

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered December 29, 2017.

(Deleted material is struck through, and new material is underscored.)

Effective January 1, 2018, Illinois Supreme Court Rules 101, 102, 104, 105, 107, 108, 110, 113, 114, 131, 137, 138, 181, 185, 187, 206, 207, 208, 210, 213, 215, 224, 271, 272, 282, 284, 291, 292, 298, 501, 503, 529, 552, 553, and 555 are amended; the description of article V, part B, is amended; and an Article II Forms Appendix is adopted, as follows; .

Amended Rule 101

Rule 101. Summons and Original Process—Form and Issuance

(a) **General.** The summons shall be issued under the seal of the court, ~~tested in identifying~~ the name of the clerk, ~~and signed with his name. It~~ The summons shall clearly identify ~~be dated~~ on the date it is issued, shall be directed to each defendant, and shall bear the information required by Rule 131(d) for the plaintiff's attorney or the plaintiff if not represented by an attorney.

(b) Summons Requiring Appearance on Specified Day.

(1) In an action for money not in excess of \$50,000, exclusive of interest and costs, or in any action subject to mandatory arbitration where local rule prescribes a specific date for appearance, the summons shall require each defendant to appear on a day specified in the summons not less than 21 or more than 40 days after the issuance of the summons (see Rule 181(b)), and shall be ~~in substantially the following form: prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.~~

In the Circuit Court of the _____ Judicial Circuit, _____ County,
Illinois

(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*

~~(naming all plaintiffs),~~

— Plaintiffs,

v. _____

No. _____

Amount Claimed _____

H.J., K.L., *etc.*,

(naming all defendants), _____

FILED

DEC 29 2017

SUPREME COURT
CLERK

—Defendants

SUMMONS

To each defendant:

—You are hereby summoned and required to appear before this court at _____ at _____ o'clock _____ M., on _____ 20____, to answer the complaint in this case, a copy of which is hereto attached. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

—To the officer:

—This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

—This summons may not be served later than 30 days after its date.

Witness _____

(Seal of Court)

Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney)

Address _____

Telephone No. _____

Facsimile Telephone No. _____

E-mail Address _____

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Date of service _____, 20__ (to be inserted by officer on copy left with defendant or other person).

NOTICE TO DEFENDANTS

~~—[Here simple and specific instructions, conforming to local practice, shall be set out outlining procedure for appearance and trial of the type of case covered by the summons.]~~

(2) In any action for forcible detainer or for recovery of possession of tangible personal property, the summons shall be in the same form, but shall require each defendant to appear on a day specified in the summons not less than seven or more than 40 days after the issuance of summons.

(3) If service is to be made under section 2-208 of the Code of Civil Procedure the return day shall be not less than 40 days or more than 60 days after the issuance of summons, and no default shall be taken until the expiration of 30 days after service.

(c) Summons in Certain Other Cases in Which Specific Date for Appearance is Required. In all proceedings in which the form of process is not otherwise prescribed and in which a specific date for appearance is required by statute or by rules of court, the form of summons shall conform as nearly as may be to the form set forth in paragraph (b) hereof.

(d) Summons Requiring Appearance Within 30 Days After Service. In all other cases the summons shall require each defendant to file his answer or otherwise file his appearance within 30 days after service, exclusive of the day of service (see Rule 181(a)), and shall be ~~in substantially the following form: prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.~~

In the Circuit Court of the _____ Judicial Circuit, _____ County,
Illinois (Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*
~~(naming all plaintiffs),~~
— Plaintiffs,
v. _____ No. _____

H.J., K.L. *etc.*,
(naming all defendants), _____
— Defendants

SUMMONS

~~—To each defendant:~~

~~—You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court within 30 days after service of this summons, not counting the day of~~

~~service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.~~

~~—To the officer:~~

~~—This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.~~

~~—This summons may not be served later than 30 days after its date.~~

Witness _____

(Seal of Court)

Clerk of Court

~~Plaintiff's Attorney (or plaintiff, if he is not represented by attorney)~~

Address _____

Telephone No. _____

Facsimile Telephone No. _____

E-mail Address _____

~~(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)~~

~~—Date of service _____, 20__ (to be inserted by officer on copy left with defendant or other person).~~

(e) Summons in Cases under the Illinois Marriage and Dissolution of Marriage Act. In all proceedings under the Illinois Marriage and Dissolution of Marriage Act, the summons shall include a notice on its reverse side referring to a dissolution action stay being in effect on service of summons, and shall state that any person who fails to obey a dissolution action stay may be subject to punishment for contempt, and shall include language:

(1) restraining both parties from physically abusing, harassing, intimidating, striking, or interfering with the personal liberty of the other party or the minor children of either party; and

(2) restraining both parties from concealing a minor child of either party from the child's other parent. The restraint provided in this subsection (e) does not operate to make unavailable any of the remedies provided in the Illinois Domestic Violence Act of 1986.

(f) Waiver of Service of Summons. In all cases in which a plaintiff notifies a defendant of the commencement of an action and requests that the defendant waive service of summons under section 2-213 of the Code of Civil Procedure, the request shall be in writing ~~in the following form~~; prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.

In the Circuit Court of the _____ Judicial Circuit, _____ County,
Illinois (Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., etc.
(naming all plaintiffs),
____ Plaintiffs,

____ No. _____
____ v. _____ Amount Claimed _____

H.J., K.L., etc.
(naming all defendants), _____
____ Defendants

Notice and Acknowledgment of Receipt of Summons and Complaint

NOTICE

____ To: (Insert the name and address of the person to be served)

____ The enclosed summons and complaint are served pursuant to section 2-213 of the Code of Civil Procedure.

____ You must complete the acknowledgment part of this form and return one copy of the completed form to the sender within _____* days.

____ You must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

____ If you do not complete and return the form to the sender within _____* days, you (or the party on whose behalf you are being served) may be served a summons and complaint in any other manner permitted by law.

____ If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the complaint within _____** days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

____ I declare, under penalty of perjury, that this notice and acknowledgment of receipt of

summons and complaint will have been mailed on _____. (Insert Date)

Signature _____

Date of Signature _____

**ACKNOWLEDGMENT OF RECEIPT OF
SUMMONS AND COMPLAINT**

~~— I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above-captioned matter at (inset address):~~

~~PRINT or TYPE Name _____~~

~~Relationship to Entity/Authority to Receive Service of Process~~

~~_____~~

~~(Not Applicable if you are the named Defendant or Respondent)~~

~~Signature _____~~

~~Date of Signature _____~~

~~—*(To be completed by the person sending the notice.) Date for return of waiver must be at least 30 days from the date on which the request is sent, or 60 days if the defendant is addressed outside the United States.~~

~~—**(To be completed by the person sending the notice.) Date for answering complaint must be at least 60 days from the date on which the request is sent, or 90 days if the defendant is addressed outside the United States.~~

(g) Use of Wrong Form of Summons. The use of the wrong form of summons shall not affect the jurisdiction of the court.

Amended effective August 3, 1970, July 1, 1971, and September 1, 1974; amended May 28, 1982, effective July 1, 1982; amended October 30, 1992, effective November 15, 1992; amended January 20, 1993, effective immediately; amended December 30, 1993, effective January 1, 1994; amended February 1, 1996, effective immediately; amended May 30, 2008, effective immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Aug. 16, 2017, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments
(Revised September 1, 1974)

As adopted in 1967, Rule 101 was derived from former Rule 2, with changes in paragraph (b). Paragraph (b) was inserted in former Rule 2, effective January 1, 1964, to provide, for relatively small cases, the form of summons that had been in use in the Municipal Court of Chicago prior to that date. In cases up to \$10,000, the time was changed to not less than 21 or

more than 40 days. Effective August 3, 1970, the \$10,000 limit was changed to \$15,000. The appearance day in small claims is covered by Rule 283.

The appearance day in forcible entry and detainer cases was left at not less than seven or more than 40 days. To conform the practice to the requirements of notice in actions seeking restoration of property wrongfully detained, set forth by the Supreme Court of the United States in *Fuentes v. Shevin* (1972), 407 U.S. 67, subparagraph (b)(2) of the rule was amended in 1974 to provide for a summons in such cases returnable on a day specified in the summons, not less than seven or more than 40 days from issuance, as in forcible entry and detainer cases. Under the rule as amended, independent of the statutory remedy of replevin, a party seeking return of personal property may proceed in an action in the nature of an action in detinue at common law, and serve process in the manner provided.

Subparagraph (b)(3), added to former Rule 2 in 1964 and carried forward into Rule 101 in 1967, set 40 days as the return day on service made under section 16 of the Civil Practice Act. Effective July 1, 1971, this provision was amended to substitute for “40 days” the somewhat more flexible provision “not less than 40 days or more than 60 days.”

The provision of paragraph (b) of this rule permitting specific instructions under the heading “Notice to Defendant” has probably not been adequately implemented by the judges of the trial courts. It is the committee’s view that the summons should give as much specific information to the defendant as possible. For instance, the particular court room number and place of holding court ought to be given. Instructions regarding the method of entering an appearance and a statement whether an answer must be filed with the appearance, or the date for filing an answer after an appearance, can be stated in the “Notice to Defendant.” Rule 181, relating to appearance, expressly recognizes that the “Notice to Defendant” under Rule 101(b) is controlling.

In 1974, paragraph (d) was amended to insert in the specimen summons reference to the fact that a copy of the complaint is attached, thus conforming the language of the summons under paragraph (d) in this respect to the language in the summons under paragraph (b).

Amended Rule 102

Rule 102. Service of Summons and Complaint; Return

(a) Placement for Service. Promptly upon issuance, summons (together with copies of the complaint as required by Rule 104) shall be placed for service with the sheriff or other officer or person authorized to serve process.

(b) When Service Must Be Made. No summons in the form provided in paragraph (d) of Rule 101 may be served later than 30 days after its date. A summons in the form provided in paragraph (b) of Rule 101 may not be served later than three days before the day for appearance.

(c) Indorsement Showing Date of Service. The officer or other person making service of summons shall indorse the date of service upon the copy left with the defendant or other person. Failure to indorse the date of service does not affect the validity of service.

(d) Return. The officer or person making service shall make a return by filing proof of service immediately after service on all defendants has been had, and, in any event, shall make a return: (1) in the case of a summons bearing a specific return day or day for appearance, not less than 3 days before that day; (2) in other cases, immediately after the last day fixed for service. If

there is more than one defendant, the proof of service ~~shall, at the request of the plaintiff or his attorney, be made~~ may be filed immediately after service on each defendant. ~~In that case, the proof of service to be filed may be indorsed upon a copy of the summons and the original retained until service is had upon all defendants or until expiration of the time provided for service.~~ The proof of service need not state whether a copy of the complaint was served. ~~The officer or other person serving the summons may file proof of service by mail.~~ A party who has placed a summons with an officer or other person who is authorized to serve process, but who does not have access to the court filing system, shall file the proof of service obtained from the officer. ~~Failure of the officer or other person to return the summons or file proof of service does not invalidate the summons or the service thereof, if had.~~

(e) Post Card Notification to Plaintiff. If the plaintiff furnishes a post card, the officer or other person making service of the summons, immediately upon return of the summons, shall mail to the plaintiff or his attorney the post card indicating whether or not service has been had, and if so on what date.

Amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments
(Revised July 1, 1971)

This is former Rule 3, as it existed prior to January 1, 1964, without change of substance, except for the deletion of the last paragraph, which provided for writs made returnable to justices of the peace, *etc.*, during the transition into practice under the 1964 judicial article and is no longer necessary.

Amended Rule 104

Rule 104. Service of Pleadings and Other Papers; Filing

(a) Delivery of Copy of Complaint. Every ~~copy of a~~ summons used in making service shall have attached thereto a copy of the complaint, ~~which shall be furnished by plaintiff.~~

(b) Filing of Documents and Proof of Service. Pleadings subsequent to the complaint, written motions, and other documents required to be filed shall be filed with the clerk with a certificate of counsel or other proof that the documents~~copies~~ have been served on all parties who have appeared and have not theretofore been found by the court to be in default for failure to plead.

(c) Excusing Service. For good cause shown on *ex parte* application, the court or any judge thereof may excuse the delivery or service of any complaint, pleading, or written motion or part thereof on any party, but the attorney filing it shall furnish the documents~~a copy~~ promptly and without charge to any party requesting it.

(d) Failure to Serve DocumentsCopies. Failure to deliver or serve documents~~copies~~ as required by this rule does not in any way impair the jurisdiction of the court over the person of any party. If a party entitled to service of a document is not served and the failure of service is the fault of the filing party, but the aggrieved party may obtain the document ~~a copy~~ from the

clerk, and the court shall order the offending party to reimburse the aggrieved party for the expense thereof.

Amended effective January 1, 1970; amended Jan. 4, 2013, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

This is former Rule 5 without change of substance.

Amended Rule 105

Rule 105. Additional Relief Against Parties in Default-Notice

(a) Notice-Form and Contents. If new or additional relief, whether by amendment, counterclaim, or otherwise, is sought against a party not entitled to notice under Rule 104, notice shall be given him as herein provided. The notice shall be captioned with the case name and number and shall be directed to the party. It shall state that a pleading seeking new or additional relief against him has been filed and that a judgment by default may be taken against him for the new or additional relief unless he files an answer or otherwise files an appearance in the office of the clerk of the court within 30 days after service, receipt by certified or registered mail, or the first publication of the notice, as the case may be, exclusive of the day of service, receipt or first publication. Except in case of publication, a copy of the new or amended pleading shall be attached to the notice, unless excused by the court for good cause shown on *ex parte* application.

(b) Service. The notice may be served by any of the following methods:

(1) By any method provided by law for service of summons, either within or without this State. Service may be made by an officer or by any person over 18 years of age not a party to the action. Proof of service by an officer may be made by return as in the case of a summons. Otherwise proof of service shall be made by affidavit or by certification, as provided in Section 1-109 of the Code of Civil Procedure, of the server, stating the time, manner, and place of service. The court may consider the affidavit or certification and any other competent proofs in determining whether service has been properly made.

(2) By prepaid certified or registered mail addressed to the party, return receipt requested, showing to whom delivered and the date and address of delivery. The notice shall be sent “restricted delivery” when service is directed to a natural person. Service is not complete until the notice is received by the defendant, and the registry receipt is *prima facie* evidence thereof.

(3) By publication, upon the filing of an affidavit as required for publication of notice of pendency of the action in the manner of but limited to the cases provided for, and with like effect as, publication of notice of pendency of the action.

Amended September 29, 1978, effective November 1, 1978; amended May 28, 1982, effective July 1, 1982; amended November 21, 1988, effective January 1, 1989; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments
(Revised September 29, 1978)

Rule 105, as adopted in 1967, carried forward former Rule 7-1 without change. Subparagraph (b)(2) was amended in 1978 to permit service by "certified or registered mail addressed to the party, restricted delivery, return receipt requested showing to whom, date and address of delivery," instead of "registered mail addressed to the party, return receipt requested, delivery limited to addressee only," the latter class of postal service having been discontinued.

Amended Rule 107

Rule 107. Notice of Hearing for an Order of Replevin

(a) Form of Notice. A notice for an order of replevin (see 735 ILCS 5/19-105) shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix, substantially in the following form:

— In the Circuit Court of the _____ Judicial Circuit, _____ County,
Illinois (Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., etc. (naming all plaintiffs),
_____ Plaintiffs,

v. _____ No. _____

H.J., K.L., etc. (naming all defendants),
_____ Defendants

To each defendant:

— You are hereby notified that on _____, 20____, a complaint, a copy of which is attached, was filed in the above court seeking an order of replevin. Pursuant to law a hearing will be held to determine whether such an order shall be entered in this case. If you wish to contest the entry of such order, you must appear at this hearing at _____, at _____ o'clock _____ M., on _____, 20____.

_____ Attorney for the Plaintiff

Address _____
Telephone No. _____
Facsimile Telephone No. _____
E-mail Address _____

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is required.)

(b) Service. Notice of the hearing shall be served not less than five days prior to the hearing in accordance with sections 2-202 through 2-205 of the Code of Civil Procedure, or by mail in the manner prescribed in Rule 284.

Effective September 1, 1974; amended May 28, 1982, effective July 1, 1982; amended October 30, 1992, effective November 15, 1992; amended May 30, 2008, effective immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

In 1973, the Illinois Replevin Act (Ill. Rev. Stat. 1973, ch. 119) was amended to provide for a notice and hearing prior to the issuance of the writ in conformity with the decision of the United States Supreme Court in *Fuentes v. Shevin* (1972), 407 U.S. 67. Section 4(a) of the statute, as amended, provides that five days' notice of a hearing on the question of the issuance of a writ of replevin be given "in the manner required by Rule of the Supreme Court." Rule 107 provides the form and manner of service of such notice.

Amended Rule 108

Rule 108. Explanation of Rights of Heirs and Legatees When Will Admitted or Denied Probate

(a) Wills Originally Proved. When a will is admitted or denied admission to probate under section 6-4 or section 7-4 of the Probate Act of 1975, as amended, the information mailed to each heir and legatee under section 6-10 shall include an explanation of the rights of interested persons prepared by utilizing, or substantially adopting the appearance and content of, Form 1 or Form 2 provided in the Article II Forms Appendix.~~in substantially the following form~~ (Form 1 should be used when the will is admitted to probate and Form 2 when probate is denied.)

_____ Form 1

Notice to Heirs and Legatees

~~— Attached to this notice are copies of a petition to probate a will and an order admitting the will to probate. You are named in the petition as an heir or legatee of the decedent.~~

~~— Within 42 days after the effective date of the original order of admission, you may file a petition with the court to require proof of the will by testimony of the witnesses to the will in open court or other evidence, as provided in section 6-21 of the Probate Act of 1975 (755 ILCS 5/6-21).~~

~~— You also have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the will by filing a petition with the court within 6 months after admission of the will to probate.~~

_____ Form 2

Notice to Heirs and Legatees

~~— Attached to this notice are copies of a petition to probate a will and an order denying admission of the will to probate. You are named in the petition as an heir or legatee of the decedent.~~

~~— You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.~~

When a will is admitted or denied admission to probate under section 6-4 or section 7-4 of the Probate Act of 1975, as amended, and where notice under section 6-10 is given by publication, such notice shall be prepared by utilizing, or substantially adopting the appearance and content of, Form 3 or Form 4 provided in the Article II Forms Appendix, in substantially the following form (Form 3 should be used when the will is admitted to probate and Form 4 when probate is denied.):

~~—~~ Form 3

Notice to Heirs and Legatees

~~— Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a will and whose name or address is not stated in the petition to admit the will to probate, that an order was entered by the court on _____, admitting the will to probate.~~

~~— Within 42 days after the effective date of the original order of admission you may file a petition with the court to require proof of the will by testimony of the witnesses to the will in open court or other evidence, as provided in section 6-21 of the Probate Act of 1975 (755 ILCS 5/6-21).~~

~~— You also have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the will by filing a petition with the court within 6 months after admission of the will to probate.~~

~~—~~

~~—~~ Form 4

Notice to Heirs and Legatees

~~— Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a will and whose name or address is not stated in the petition to admit the will to probate, that an order was entered by the court on _____, denying admission of the will to probate.~~

~~— You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.~~

(b) Foreign Wills Proved by Copy. When a will is admitted or denied admission to probate under section 7-3 of the Probate Act of 1975, as amended (“Proof of foreign will by copy”), the information mailed to each heir and legatee under section 6-10 of the Probate Act of 1975, as amended, shall include an explanation of the rights of interested persons prepared by utilizing, or substantially adopting the appearance and content of, Form 1 or Form 2 provided in the Article II

Forms Appendix ~~in substantially the following form~~ (Form 1 should be used when the will is admitted to probate and Form 2 when probate is denied.);

~~Form 1~~

Notice to Heirs and Legatees

~~Attached to this notice are copies of a petition to probate a foreign will and an order admitting the foreign will to probate. You are named in the petition as an heir or legatee of the decedent.~~

~~You have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the foreign will by filing a petition with the court within 6 months after admission of the foreign will to probate.~~

~~Form 2~~

Notice to Heirs and Legatees

~~Attached to this notice are copies of a petition to probate a foreign will and an order denying admission of that foreign will to probate. You are named in the petition as an heir or legatee of the decedent.~~

~~You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.~~

When a will is admitted or denied probate under section 7-3 of the Probate Act of 1975, as amended ("Proof of foreign will by copy"), and where notice under section 6-10 is given by publication, such notice shall be prepared by utilizing, or substantially adopting the appearance and content of, Form 3 or Form 4 provided in the Article II Forms Appendix. ~~in substantially the following form~~ (Form 3 should be used when the will is admitted to probate and Form 4 when probate is denied.);

~~Form 3~~

Notice to Heirs and Legatees

~~Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a foreign will and whose name or address is not stated in the petition to admit the foreign will to probate, that an order was entered by the court on _____, admitting the foreign will to probate.~~

~~You have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the foreign will by filing a petition with the court within 6 months after admission of the foreign will to probate.~~

~~Form 4~~

Notice to Heirs and Legatees

~~— Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a foreign will and whose name or address is not stated in the petition to admit the foreign will to probate, that an order was entered by the court on _____, denying admission of the foreign will to probate.~~

~~— You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.~~

Adopted February 1, 1980, effective March 1, 1980; amended August 9, 1983, effective October 1, 1983; amended April 1, 1992, effective August 1, 1992; amended May 30, 2008, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments
(February 1980)

This rule was adopted pursuant to amended section 6-10(a) of the Probate Act of 1975, effective January 1, 1980. The first blank in forms 3 and 4 is for the names of heirs and legatees whose addresses are unknown and for insertion of “unknown heirs” if unknown heirs are referred to in the petition.

Amended Rule 110

Rule 110. Explanation of Rights in Independent Administration; Form of Petition to Terminate

When independent administration is granted in accordance with section 28-2 of the Probate Act of 1975, as amended, the notice required to be mailed to heirs and legatees under section 6-10 or section 28-2(c) of that act shall be accompanied by an explanation of the rights of interested persons prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix. ~~in substantially the following form:~~

~~Rights of Interested Persons During Independent
Administration; Form of Petition to Terminate
Administration~~

~~— A copy of an order is enclosed granting independent administration of decedent’s estate. This means that the executor or administrator will not have to obtain court orders or file estate documents in court during probate. The estate will be administered without court supervision, unless an interested person asks the court to become involved.~~

~~— Under section 28-4 of the Probate Act of 1975 (755 ILCS 5/28-4) any interested person may terminate independent administration at any time by mailing or delivering a petition to terminate to the clerk of the court. However, if there is a will which directs independent administration, independent administration will be terminated only if the court finds there is good cause to require supervised administration; and if the petitioner is a creditor or nonresiduary legatee, independent administration will be terminated only if the court finds~~

that termination is necessary to protect the petitioner's interest.

~~— A petition in substantially the following form may be used to terminate independent administration:~~

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

In re Estate of _____, Deceased

(name of decedent)

No. _____

~~Petition to Terminate Independent Administration~~

_____, on oath states:

1. On _____, 20__, an order was entered granting independent administration to _____ as independent _____.

(executor) (administrator)

2. I am an interested person in this estate as _____

(heir) (nonresiduary legatee) (residuary legatee) (creditor) (representative)

*3. The will _____ direct independent administration.

(does) (does not)

4. I request that independent administration be terminated.

(Signature of petitioner)

Signed and sworn to before me
_____, 20__

Notary Public

*Strike if no will.

~~— In addition to the right to terminate independent administration, any interested person may petition the court to hold a hearing and resolve any particular question that may arise during independent administration, even though supervised administration has not been requested (755~~

~~ILCS 5/28-5). The independent representative must mail a copy of the estate inventory and final account to each interested person and must send notice to or obtain the approval of each interested person before the estate can be closed (755 ILCS 5/28-6, 28-11). Any interested person has the right to question or object to any item included in or omitted from an inventory or account or to insist on a full court accounting of all receipts and disbursements with prior notice, as required in supervised administration (755 ILCS 5/28-11).~~

Adopted February 1, 1980, effective March 1, 1980; amended May 30, 2008, effective immediately; amended Jan. 4, 2013, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(February 1980)

This rule was adopted pursuant to new section 28-2(a) of the Probate Act of 1975, effective January 1, 1980.

Amended Rule 113

Rule 113. Practice and Procedure in Mortgage Foreclosure Cases

(a) Applicability of the Rule. The requirements of this rule supplement, but do not replace, the requirements set forth in the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1101 *et seq.*) and are applicable only to those foreclosure actions filed on or after the effective date of May 1, 2013.

(b) Supporting Documents for Complaints. In addition to the documents listed in section 15-1504 of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1504), a copy of the note, as it currently exists, including all indorsements and allonges, shall be attached to the mortgage foreclosure complaint at the time of filing.

(c) Prove-up Affidavits.

(1) Requirement of Prove-up Affidavits. All plaintiffs seeking a judgment of foreclosure, under section 15-1506 of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1506), by default or otherwise, shall be required to submit an affidavit in support of the amounts due and owing under the note when they file any motion requesting a judgment of default against a mortgagor or a judgment of foreclosure.

(2) Content of Prove-up Affidavits. All affidavits submitted in support of entry of a judgment of foreclosure, default or otherwise, shall contain, at a minimum, the following information:

(i) The identity of the affiant and an explanation as to whether the affiant is a custodian of records or a person familiar with the business and its mode of operation. If the affiant is a person familiar with the business and its mode of operation, the affidavit shall explain how the affiant is familiar with the business and its mode of operation.

(ii) An identification of the books, records, and/or other documents in addition to the payment history that the affiant reviewed and/or relied upon in drafting the affidavit, specifically including records transferred from any previous lender or servicer. The

payment history must be attached to the affidavit in only those cases where the defendant(s) filed an appearance or responsive pleading to the complaint for foreclosure.

(iii) The identification of any computer program or computer software that the entity relies on to record and track mortgage payments. Identification of the computer program or computer software shall also include the source of the information, the method and time of preparation of the record to establish that the computer program produces an accurate payment history, and an explanation as to why the records should be considered “business records” within the meaning of the law.

(3) Additional Evidence. The affidavit shall contain any additional evidence, as may be necessary, in connection with the party’s right to enforce the instrument of indebtedness.

(4) Form of Prove-up Affidavits. The affidavit prepared in support of entry of a judgment of foreclosure, by default or otherwise, shall not have a stand-alone signature page if formatting allows the signature to begin on the last page of the affiant’s statements. The affidavit prepared shall, at a minimum, be prepared by utilizing or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.~~in substantially the following form:~~

Form 1

~~IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS~~

~~_____
Plaintiff(s)
v. Case No. _____

Defendant(s)~~

~~AFFIDAVIT OF AMOUNTS DUE AND OWING~~

~~I, _____, am a _____ of
_____. I have authority to make this statement on its behalf because
_____ (identify whether you are a
custodian of records or a person familiar with the business and its mode of operation; if you are a
person familiar with the business and its mode of operation, explain how you are familiar with
the business and its mode of operation). If called to testify at the trial of this matter, I could
competently testify as to the facts contained in this affidavit.~~

~~— [If the loan was previously serviced by another entity, the affidavit should provide as follows
for the most recent transfer of servicing rights: _____ (name of the bank) acquired the
servicing rights for the Defendant’s loan on _____ (date) from _____ (name of the prior
institution). At the time of this transfer, the Defendant’s loan was _____ (current, or state the
amount by which the loan was in default at the time of the transfer).]~~

~~— The amount due is based on my review of the following records:~~
~~_____.~~ A true and accurate copy of the
payment history and any other document I reviewed when making this calculation is attached to
this affidavit (this sentence would only be included if applicable).

~~_____ (name of the bank) uses _____ (name of the computer program/software)~~
~~to automatically record and track mortgage payments. This type of tracking and accounting~~
~~program is recognized as standard in the industry. When a mortgage payment is received, the~~
~~following procedure is used to process and apply the payment, and to create the records I~~
~~reviewed: _____ (include the source of the information, method and time of~~
~~preparation of the record to establish that the computer program produces an accurate record).~~
~~The record is made in the regular course of _____'s (name of bank) business. In the case at~~
~~bar, the entries reflecting the Defendant's payments were made in accordance with the procedure~~
~~detailed above, and these entries were made at or near the time that the payment was received.~~
~~_____ (name of the computer program/software) accurately records mortgage payments~~
~~when properly operated. In the case at bar, _____ (name of the computer~~
~~program/software) was properly operated to accurately record the Defendant's mortgage~~
~~payments.~~

~~— Based on the foregoing, _____ failed to pay amounts due under the Note, and the~~
~~amount due and owing as of _____ is:~~

Principal \$ _____

Interest \$ _____

Pro Rata MIP/PMI \$ _____

Escrow Advance \$ _____

Late Charges \$ _____

NSF Charges \$ _____

Property Maintenance \$ _____

Property Inspections \$ _____

BPO \$ _____

GROSS AMOUNT DUE \$ _____

Less/Plus balance in reserve accounts

\$ _____

NET AMOUNT DUE \$ _____

~~AFFIANT STATES NOTHING MORE.~~

BY: _____
_____ Affiant

~~Subscribed and sworn to before me this~~
~~_____ day of _____, _____~~

~~By _____~~
~~_____~~

~~Notary Public~~

~~State of [_____]~~

~~My Commission expires: _____, _____~~

~~Personally Known _____ OR Produced Identification _____.~~

~~Type of identification produced: _____.~~

If executed within the boundaries of Illinois, the affidavit may be signed pursuant to section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109) rather than being notarized.

(d) Defaults.

(1) Notice Required. In all mortgage foreclosure cases where the borrower is defaulted by court order, a notice of default and entry of judgment of foreclosure shall be prepared by the attorney for plaintiff and shall be mailed by the Clerk of the Circuit Court for each judicial

circuit. ~~Within two business days after the entry of default, the~~The attorney for plaintiff shall prepare the notice in its entirety, ~~file it with and deliver to~~ the Clerk of the Circuit Court, and ~~provide the Clerk with one copy for filing and one copy for mailing to each borrower address specified in the notice, within two business days after the entry of default.~~ Within five business days after the entry of default, ~~the~~ The Clerk of the Circuit Court shall mail, ~~within five business days after the entry of default,~~ by United States Postal Service, a copy of the notice of default and entry of judgment of foreclosure to the address(es) provided by the attorney for the plaintiff in an envelope bearing the return address of the Clerk of the Circuit Court and file proof thereof. The notice shall be mailed to the property address or the address on any appearance or other document filed by any defendant. Any notices returned by the United States Postal Service as undeliverable shall be filed in the case file maintained by the Clerk of the Circuit Court.

(2) Form of Notice. The notice of default and entry of judgment of foreclosure shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix, ~~in substantially the following form:~~

Form 2

IN THE CIRCUIT COURT OF THE ____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

_____)	
Plaintiff(s))	
v.)	Case No. _____
_____)	
Defendant(s))	

~~NOTICE OF ENTRY OF DEFAULT AND JUDGMENT OF FORECLOSURE~~

To: _____

~~— This notice is to advise you of recent activity in the mortgage foreclosure lawsuit now pending in the Circuit Court. DO NOT IGNORE THIS NOTICE. YOU SHOULD ACT IMMEDIATELY.~~

~~— The Circuit Court has entered an Order of Default and a Judgment of Foreclosure and Sale against you in your case concerning the property located at [insert address].~~

~~— You may be entitled to file a Motion to Vacate this order. Any such motion should be filed as~~

soon as possible.

~~— [If applicable] You may redeem the property from foreclosure by paying \$_____, which is the total amount due plus fees and costs, by [insert day].~~

~~— [If applicable] If you need legal advice, you may contact _____ for free legal advice.~~

[NAME OF CLERK]

Clerk of the Circuit Court of _____ County

[Contact information]

(e) Effect on Judgment and Orders. Neither the failure to send the notice required by paragraph (d)(i) nor any errors in preparing or sending the notice shall affect the legal validity of the order of default, the judgment of foreclosure, or any other orders entered pursuant to the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1101 *et seq.*) and cannot be the basis for vacating an otherwise validly entered order.

(f) Judicial Sales. In addition to the requirements for judicial sales set forth in sections 15-1506 and 15-1507 of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1506, 15-1507) the following will apply to mortgage foreclosure sales:

(1) Notice of Sale. Not fewer than 10 business days before the sale, the attorney for the plaintiff shall send notice by mail to all defendants, including defendants in default, of the foreclosure sale date, time, and location of the sale.

(2) Selling Officers. Any foreclosure sale held pursuant to section 15-1507 may be conducted by a private selling officer who is appointed in accordance with section 15-1506(f)(3).

(3) Surplus Funds. If a judicial foreclosure sale held pursuant to Section 15-1507 of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1507) results in the existence of a surplus of funds exceeding the amount due and owing as set forth in the judgment of foreclosure, the attorney for the plaintiff shall send a special notice to the mortgagors advising them of the surplus funds and enclosing a form for presentment of the motion to the court for the funds.

(g) Special Notice of Surplus Funds. The special notice shall be mailed and shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.~~in substantially the following form:~~

Form 3

~~IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS~~

_____))

_____))
Plaintiff(s)

_____)) v. Case No. _____

Defendant(s) _____)

SPECIAL NOTICE OF SURPLUS FUNDS

To: _____

— There is \$ _____ remaining after the sale of your property at [insert address of property sold]. You may be entitled to this money.

— If you want to obtain this money, you need to:

— (1) Complete the enclosed form.

— (2) Take the completed form to the Clerk of the Circuit Court [insert the information for the Clerk of the Circuit Court in which the case is pending].

— (3) Schedule a date to present the paperwork to the judge.

— (4) Mail a copy of the completed form, at least five business days before the date with the judge, to: [insert service list].

(h) Petition for Turnover of Surplus Funds. Each judicial circuit shall make readily available a form petition for turnover of surplus funds to be included in the Special Notice of Surplus Funds required to be mailed by the attorney for plaintiffs. The petition shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix. ~~in substantially the following form:~~

Form 4

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

Plaintiff(s) _____)
v. _____) Case No. _____

Defendant(s) _____)

NOTICE OF MOTION AND PETITION FOR TURNOVER OF SURPLUS FUNDS

TO: _____

On _____, _____, at _____ a.m./p.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable _____ or any Judge sitting in that Judge's stead, in the courtroom usually occupied by him/her, located at _____, Illinois, and present:

PETITION FOR TURNOVER OF SURPLUS FUNDS
(with Appearance)

Now come(s) _____, and move(s) this Court for entry of an order turning over the surplus proceeds from the foreclosure sale. In support of this Petition, Petitioner(s) state(s) as follows:

- (1) All parties to this proceeding have been given notice of this Petition.
- (2) The subject property was sold at a foreclosure sale for more than the amount owed the mortgage company and the sale was approved by the Court on ____/____/____.
- (3) There is a surplus remaining after all sums are paid in the amount of \$_____.
- (4) Petitioner(s) is/are a party/parties to the foreclosure case and has/have filed an appearance in the case.
- (5) Petitioner's/Petitioners' interest in the property is (select one, and attach any supporting documents): Owner(s)/Mortgagor(s); Judgment Creditor; Lien Holder; Other (please specify):_____.
- (6) If Petitioner(s) is/are not the Mortgagor(s), judgment for the Petitioner(s) has been proved up in the amount of \$_____.
- (7) Pick one:

_____ Petitioner(s) has/have a bankruptcy case pending in Bankruptcy Court and has/have ATTACHED a copy of the order from the Bankruptcy Court allowing receipt of the surplus funds ("Order Authorizing Distribution of Surplus Funds").

_____ Petitioner(s) DOES NOT/DO NOT have a bankruptcy case pending in Bankruptcy Court.

Wherefore, the Petitioner(s), _____, move this Court to turn over to him/her/them the surplus from the foreclosure sale.

I/We, _____, enter my/our appearance(s), *pro se*:

Signature _____

Signature _____

~~VERIFICATION AND PROOF OF SERVICE~~

~~I/We certify under penalty of perjury as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, that I/we have read the foregoing Verified Petition for Turnover of Surplus Funds and the statements set forth therein are true and correct and that I sent a copy of this Appearance and Answer by United States mail to the Plaintiff's attorney and any other parties who have appeared and have not heretofore been found by the Court to be in default, on _____, 20____.~~

Signature _____

Signature _____

(i) Deceased Mortgagors. In all mortgage foreclosure cases where the mortgagor or mortgagors is or are deceased, and no estate has been opened for the deceased mortgagor(s), the court shall, on motion of a party, appoint a special representative to stand in the place of the deceased mortgagor(s) who shall act in a manner similar to that provided by section 13-209 of the Illinois Code of Civil Procedure (735 ILCS 5/13-209).

Adopted Feb. 22, 2013, eff. May 1, 2013; amended Apr. 8, 2013, eff. May 1, 2013; amended Dec. 29, 2017, eff. Jan. 1, 2018.

~~COMMITTEE COMMENTS~~Committee Comments

(February 22, 2013)

On April 11, 2011, the Illinois Supreme Court created the Special Supreme Court Committee on Mortgage Foreclosures and charged it with the following tasks: investigating the procedures used throughout the State of Illinois in mortgage foreclosure proceedings; studying relevant Illinois Supreme Court Rules and local rules that directly or indirectly affect such proceedings; analyzing the procedures adopted in other states in response to the unprecedented number of foreclosure filings nationwide; and reviewing legislative proposals pending in the Illinois General Assembly that may impact the mortgage foreclosure rules for the state. To meet this charge, the Committee established subcommittees, one of which was the Practice and Procedures Subcommittee. The Practice and Procedures Subcommittee submitted proposals for changes to the practice and procedures for mortgage foreclosure cases for discussion at a public hearing held on April 27, 2012. After consideration of comments and discussion at the public hearing, the Committee proposed this new rule governing mortgage foreclosure practice and procedure.

Paragraph (b) is derived from the need to address evidentiary issues that often arise during the course of a mortgage foreclosure. The new requirement to attach a copy of the note, as it currently exists with all indorsements and allonges, supplements the Illinois Mortgage Foreclosure Law to provide this necessary document to the defendant and the court at the outset. Including this additional document will prevent unnecessary delays caused by motion practice

and discovery often used by defendants.

In drafting this section of the rule, the Committee took into consideration the positions of both the judiciary and comments provided at the public hearing regarding attaching a copy of all assignments to the complaint. The Committee members recognized that with the increase in transfers of mortgages and notes, Illinois courts have seen a dramatic increase in assertions by mortgagors that the mortgagee lacks standing to bring the foreclosure complaint. Quite often, mortgagors who ignore the judicial process until after a foreclosure or sale has occurred have raised standing issues as a defense, but have been told that their claim was forfeited by the failure to raise it in a timely manner. The Committee considered that as a matter of judicial economy, requiring that all executed assignments of the mortgage be attached at the time of filing could provide current documentation at the outset to all defendants and the circuit court demonstrating how the plaintiff has standing to file the complaint. However, due to industry changes in the documentation requirements for mortgage assignments over the past two decades, a requirement to attach all copies of assignments to the complaint at the time of filing proved to be impractical and overly burdensome for practitioners given the current volume of foreclosures statewide. This rule does not prohibit the attachment of such assignments should a plaintiff choose to do so. This rule also does not preclude the requirement of submission of all assignments at a later date in the litigation should the appropriate issues present themselves and presentation of the documents to the court and litigants becomes necessary.

Paragraph (c) addresses some of the many issues that arise from document handling procedures by lenders and servicers. Illinois courts, along with courts nationwide, have faced issues relating to “robo-signing” practices at major lenders, where affidavits were not properly notarized or where the affiant did not actually review any of the pertinent loan records. In addition to questionable document handling procedures, circuit courts have dealt with prove-up affidavits that come in varied forms, many of which do not properly address the foundational requirements necessary for establishing the accuracy of computerized business records nor the correct amount due and owing under the mortgage and note. Paragraph (c)(2) identifies the minimum requirements necessary for a prove-up affidavit submitted by the mortgagee for entry of a judgment of foreclosure and Form 1 gives a form affidavit that should be used.

No judgment of foreclosure will be entered without compliance with Paragraph (c). However, Form 1 establishes only the amounts due and owing on the borrower’s loan. Paragraph (c)(2) and Form 1 do not relieve the foreclosing party from establishing other evidentiary requirements, as necessary, in connection with proving the allegations contained in its complaint including, but not limited to, the party’s right to enforce the instrument of indebtedness, if applicable.

Paragraph (d) addresses the desire of the Illinois courts to have adequate assurance that the mortgagor is sufficiently notified when an order of default and a judgment of foreclosure are entered against the mortgagor. Many mortgagors ignore court notices, believing that they are in error because their lender is negotiating with them for a loan modification. Other mortgagors have been told by servicers that their foreclosure case is on hold, but the servicer has not told the plaintiff’s attorneys to place the file on hold. Currently, many circuit court clerks send a generic postcard that notifies any defendant, who has an appearance on file, of entry of a default order. Thus, if the mortgagor has not filed an appearance, the mortgagor may not receive notice of the default order from the clerk. The post card may not contain any helpful information that the

defendant can understand. Likewise, notice of the default order is not mailed to the property address as a matter of course. While section 2-1302 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1302) requires that a plaintiff give notice of entry of a default order to be sent to all parties against whom the order applies, failure to give such notice does not affect the validity of the order. As a result, a mortgagor may not receive notice of entry of the default order from either the Clerk of the Circuit Court or the mortgagee's counsel.

Paragraph (d) addresses this deficiency in the notification process and requires the mortgagee's counsel to prepare a specific "Notice of Entry of Default and Judgment of Foreclosure" (Form 2). Counsel for the plaintiff must prepare this notice for the property address or any other address where the defendant is most likely to receive it. A defendant may have filed an appearance or another court paper that would indicate an address that may be different from the address of service of summons and different from the property address. By preparing this notice, and having the Clerk of the Circuit Court mail the notices, any undeliverable mail will remain in the court file and defaulted mortgagors will receive a clearer notice of the order and the judgment of foreclosure than they do currently.

Paragraph (f) addresses two issues relating to judicial sales that have become substantial problems throughout the state. Paragraph (f)(1) attempts to provide adequate notice to those mortgagors who are about to lose their home. Currently, the Illinois Mortgage Foreclosure Law does not specify that a separate notice of the sale be sent to defaulted defendants, and assumes that the publication requirements are adequate for those that have not otherwise participated in the foreclosure proceedings. See 735 ILCS 5/15-1507(c)(3) (lacking a specific requirement that a separate notice of sale be sent to a defaulted mortgagor). However, in many residential cases, a lack of participation, for any reason, results in a lack of notice of the sale to the mortgagor living in the property being foreclosed. That lack of notice often results in the mortgagor learning about the sale on the eve of the sale and filing an emergency motion to stay the sale. In cases where the mortgagor finds out about the sale from a notice of confirmation of sale or through the sheriff's notice of eviction, the courts then must hear motions to vacate the sale and motions to stay possession. See 735 ILCS 5/15-1508(b-5) (requiring notice of confirmation of sale be sent to a defaulted mortgagor). Many of these motions could be avoided and judicial efficiency increased if all parties, including defaulted parties, are given notice of the sale. Accordingly, paragraph (f)(1) implements a new notice requirement to supplement section 15-1507(c)(3) by mandating a separate notice to a defaulted mortgagor presale while also complementing section 15-1508(b-5) that requires notice postsale for confirmation.

Paragraph (f)(2) addresses the selling officer. Currently, section 15-1506(f)(3) of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1506(f)(3)) allows, by special motion, an official other than the one customarily designated by a court to be appointed to conduct judicial sales. The Committee recognized that the customarily appointed selling officer is the sheriff in many counties statewide, section 15-1506 allows a court to appoint a private selling officer upon motion. Given the high volume of foreclosures throughout the state, many sales are being held nearly a year after the expiration of the redemption period. In some cases, this is due to the failure of the sheriff to promptly obey the court order commanding him to sell the property at auction. Accordingly, the loan accrues late fees and increased interest charges. These additional charges do not benefit any party to the foreclosure and do not help the communities if the property remains vacant during that idle period. In order to correct these deficiencies in the

process, the Committee recommended that a rule be enacted that expressly allows the use of private selling officers throughout the state. In many instances, private selling officers have lower costs with the capacity and ability to conduct a sale in a timely manner that prevents the accrual of additional fees and facilitates the rehabilitation of properties into valuable components of neighborhoods.

Paragraph (g) implements a specific notification process for informing mortgagors about the existence of surplus funds resulting from a judicial sale. Currently, many clerks of the circuit courts are holding unclaimed surplus funds from judicial sales. Due to the lack of notice, these funds remain unclaimed. Paragraph (g) implements a specific “Special Notice of Surplus Funds” (Form 3) that the plaintiff’s counsel must send to the mortgagors and paragraph (h) includes a specific motion (Form 4) that can be completed by the mortgagors for presentment to the court without an attorney. This paragraph is intended to facilitate the ability of mortgagors to claim those funds to which they may be entitled.

Paragraph (i) addresses the issue of a deceased mortgagor and the subject matter jurisdiction issues addressed in *ABN Amro Mortgage Group, Inc. v. McGahan*, 237 Ill. 2d 526 (2010), which have not been specifically addressed by remedial legislation.

Amended Rule 114

Rule 114. Loss Mitigation Affidavit

(a) Loss Mitigation. For all actions filed under the Illinois Mortgage Foreclosure Law, and where a mortgagor has appeared or filed an answer or other responsive pleading, Plaintiff must, prior to moving for a judgment of foreclosure, comply with the requirements of any loss mitigation program which applies to the subject mortgage loan.

(b) Affidavit Prior to or at the Time of Moving for a Judgment of Foreclosure. In order to document the compliance required by paragraph (a) above, Plaintiff, prior to or at the time of moving for a judgment of foreclosure, must file an affidavit specifying:

- (1) Any type of loss mitigation which applies to the subject mortgage;
- (2) What steps were taken to offer said type of loss mitigation to the mortgagor(s); and
- (3) The status of any such loss mitigation efforts.

(c) Form of Affidavit. The form of the affidavit shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix, as set forth below in Form 1, or shall be in a form specified by amendment to this rule, ~~but, in any case, shall contain the information set forth in paragraph (b) above.~~

Form 1

~~IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS~~

_____))
 _____ Plaintiff(s) _____)
 _____ v. _____) Case No. _____
 _____)
 _____ Defendant(s) _____)

LOSS MITIGATION AFFIDAVIT

— I, [name], hereby state as follows:

— (1) I am employed as [job title] of [name], the mortgagee as defined in section 15-1208 of the Illinois Mortgage Foreclosure Law for the residential mortgage loan that is the subject of the pending foreclosure case, and I am authorized to act on behalf of plaintiff.

— (2) With respect to the subject mortgage loan, my employer is the appropriate entity to extend loss mitigation, if any, to the mortgagor(s), as defined in Section 15-1209 of the Illinois Mortgage Foreclosure Law.

— (3) I have performed or caused to be performed a review of the records maintained in the ordinary course of the business of my employer relating to the subject mortgage loan, and based upon that review:

— (a) The subject mortgage loan is eligible for the following loss mitigation programs¹:

— (b) For each of the programs listed above in 3(a), the following steps have been taken by the mortgagee to comply with its obligations under such program:

— (c) For each of the programs listed above in 3(a), the current status of loss mitigation effort is as follows:

~~— (4) The above is true and accurate to the best of my personal knowledge and based upon my review of the records as set forth above.~~

~~Affiant states nothing more.~~

BY: _____
_____ AFFIANT

~~Subscribed and sworn to before me this~~
~~_____ day of _____, 20__~~
~~by _____.~~
~~_____~~

Notary Public

State of [name]

My Commission expires: _____, 20__

Personally Known _____ **OR** Produced Identification _____.

Type of Identification Produced: _____.

~~¹Identify here all applicable loss mitigation programs including but not limited to those available under the Making Home Affordable Program, the 2012 National Attorney General Settlement, or the FHA, VA, or USDA insured loan programs. Also identify any “in-house” loss mitigation regularly provided by the mortgagee for a mortgage loan of this type. “Eligible” means the loan is eligible to be considered under such programs because it meets the threshold requirements; eligible does not mean that a loss mitigation alternative to foreclosure is guaranteed.~~

(d) Enforcement. The court may, either *sua sponte* or upon motion of a mortgagor, stay the proceedings or deny entry of a foreclosure judgment if Plaintiff fails to comply with the requirements of this rule.

Adopted Feb. 22, 2013, eff. May 1, 2013; amended Apr. 8, 2013, eff. May 1, 2013; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(April 8, 2013)

The context out of which Rule 114 arises is the huge increase in the number of foreclosure cases filed in the Illinois state courts. It is recognized by all members of the Committee that, wherever possible, it is in the best interests of all parties, the courts, and the local communities to avoid a foreclosure sale in favor of a workable loss mitigation alternative. Toward this end, Rule 114 requires the plaintiff to file an affidavit to document compliance with any loss mitigation program applicable to the mortgage loan at issue. The affidavit must be filled out and filed prior to or at the time of moving for a judgment of foreclosure. As such, the intended purpose of the

rule is to prevent the entry of a judgment of foreclosure where the plaintiff has theretofore failed to comply with applicable loss mitigation requirements, be they local, state, or federal. The filing of the affidavit allows the court to review the plaintiff's level of compliance with applicable loss mitigation requirements, and, if necessary, to deny a motion for judgment of foreclosure if said compliance is lacking.

Specific procedures for filing and presenting the affidavit to the court may differ from county to county. Where counties have mediation programs in place, it is advisable that the county adopt procedures to incorporate the loss mitigation affidavit into the mediation process. Where no mediation program is in place, or where an individual case is not subject to mediation, the county and individual courts should consider appropriate local procedures to facilitate the use of the affidavit in achieving its intended purpose. The affidavit requirement is intended to apply to all judgments on or after the effective date of the rule, no matter the foreclosure filing date. Because the affidavit must be filed prior to the entry of a foreclosure judgment, the effective date requires application to any case where a judgment of foreclosure has not yet been entered. Thus, although a case may already have been filed prior to the effective date of Rule 114, the Rule would apply if a judgment of foreclosure has not yet been entered.

Amended Rule 131

Rule 131. Form of Documents

(a) Legibility. All documents ~~and copies thereof~~ for filing and service shall be legibly written, typewritten, printed, or otherwise prepared. ~~—duplicated.~~ The clerk may reject any documents ~~shall not file any~~ which do not conform to this rule.

(b) Titles. All documents shall be entitled in the court and cause, and the plaintiff's name shall be placed first.

(c) Multiple Parties. In cases in which there are two or more plaintiffs or two or more defendants, it is sufficient in entitling documents, except a summons, to name the first-named plaintiff and the first-named defendant with the usual indication of other parties, provided there be added the official number of the cause.

(d) Name, Address, Telephone Number, ~~Facsimile Number~~ and E-mail Address.

(1) Attorneys. All documents filed or served in any cause by an attorney upon another party shall bear the attorney's name, business address, e-mail address, and telephone number. The attorney must designate a primary e-mail address and may designate no more than two secondary e-mail addresses.

(2) Unrepresented Parties. All documents filed or served in any cause by an unrepresented party upon another party shall bear the unrepresented party's mailing address and telephone number. Additionally, an unrepresented party may designate a single e-mail address to which service may be directed under Rule 11~~(b)(6)~~. If an unrepresented party does not designate an e-mail address, then service upon and by that party must be made by a method specified in Rule 11 other than e-mail transmission ~~under Rule 11(b)(6)~~.

~~—(3) All parties. If the attorney or unrepresented party will accept service by facsimile transmission, then the document shall also bear the statement "Service by facsimile transmission will be accepted at [facsimile telephone number]."~~

Amended February 19, 1982, effective April 1, 1982; amended October 30, 1992, effective November 15, 1992; amended Dec. 21, 2012, eff. Jan. 1, 2013; amended Jan. 4, 2013, eff. immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments
(Revised February 1982)

In 1982 the rule, which was former Rule 6 without change of substance, was amended to require that all papers filed or served had to bear the name, as well as the address and telephone number, of the responsible attorney or attorneys and law firm filing them.

Amended Rule 137

Rule 137. Signing of Pleadings, Motions and Other Documents—Sanctions

(a) Signature requirement/certification. Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other document and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee.

(b) Procedure for Alleging Violations of This Rule. All proceedings under this rule shall be brought within the civil action in which the pleading, motion or other document referred to has been filed, and no violation or alleged violation of this rule shall give rise to a separate civil suit, but shall be considered a claim within the same civil action. Motions brought pursuant to this rule must be filed within 30 days of the entry of final judgment, or if a timely post-judgment motion is filed, within 30 days of the ruling on the post-judgment motion.

(c) Applicability to State Entities and Review of Administrative Determinations. This rule shall apply to the State of Illinois or any agency of the State in the same manner as any other party. Furthermore, where the litigation involves review of a determination of an administrative agency, the court may include in its award for expenses an amount to compensate a party for costs actually incurred by that party in contesting on the administrative level an allegation or denial made by the State without reasonable cause and found to be untrue.

(d) Required Written Explanation of Imposition of Sanctions. Where a sanction is imposed under this rule, the judge shall set forth with specificity the reasons and basis of any sanction so imposed either in the judgment order itself or in a separate written order.

(e) Attorney Assistance Not Requiring an Appearance or Signature. An attorney may assist a self-represented person in drafting or reviewing a pleading, motion, or other document paper without making a general or limited scope appearance. Such assistance does not constitute either a general or limited scope appearance by the attorney. The self-represented person shall sign the pleading, motion, or other paper. An attorney providing drafting or reviewing assistance may rely on the self-represented person's representation of facts without further investigation by the attorney, unless the attorney knows that such representations are false.

Adopted June 19, 1989, effective August 1, 1989; amended December 17, 1993, effective February 1, 1994; amended Jan. 4, 2013, eff. immediately; amended June 14, 2013, eff. July 1, 2013; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(June 14, 2013)

Under Illinois Rule of Professional Conduct 1.2(c), an attorney may limit the scope of a representation if the limitation is reasonable under the circumstances and the client gives informed consent. Such a limited scope representation may include providing advice to a party regarding the drafting of a pleading, motion or other paper, or reviewing a pleading, motion or other paper drafted by a party, without filing a general or limited scope appearance. In such circumstances, an attorney is not required to sign or otherwise note the attorney's involvement and the certification requirements in Rule 137 are inapplicable. Moreover, even if an attorney is identified in connection with such a limited scope representation, the attorney will not be deemed to have made a general or limited scope appearance.

Consistent with the limited scope of services envisioned under this drafting and reviewing function, attorneys may rely on the representation of facts provided by the self-represented person. This rule applies, for example, to an attorney who advises a caller to a legal aid telephone hotline regarding the completion of a form pleading, motion or other paper or an attorney providing information at a pro bono clinic.

All obligations under Rule 137 with respect to signing pleadings and certifications apply fully in those limited scope representations where an attorney has filed a general or limited scope appearance. Drafting a pleading, motion or other paper, or reviewing a pleading, motion or paper drafted by a party does not establish any independent responsibility not already applicable under current law.

Commentary

(December 17, 1993)

The rule is modified to clarify when motions for sanctions must be filed.

Committee Comments

(August 1, 1989)

The Supreme Court has adopted Rule 137, effective August 1, 1989. Rule 137 will require all pleadings and papers to be signed by an attorney of record or by a party, if the party is not represented by an attorney, and (treating such signature as a certification that the paper has been read, that after reasonable inquiry it is well-grounded in fact and law, and that it is not interposed for any improper purpose, etc.) the rule authorizes the trial courts to impose certain sanctions for violations of the rule. Rule 137 preempts all matters sought to be covered by section 2-611 of the Code of Civil Procedure. Unlike section 2-611, Rule 137 allows but does not require the imposition of sanctions. Unlike section 2-611, Rule 137 requires a trial judge who imposes sanctions to set forth with specificity the reasons and basis of any sanction in a separate written order. Unlike section 2-611, Rule 137 does not make special provisions concerning the potential exposure to sanctions of insurance companies that might employ attorneys.

Amended Rule 138

Rule 138. Personal Identity Information

(a) Applicability.

(1) In civil cases, personal identity information shall not be included in documents or exhibits filed with the court except as provided in paragraph (c). ~~This rule applies to paper and electronic filings.~~

(2) This rule does not apply to cases filed confidentially and not available for public inspection.

(b) Personal identity information, for purposes of this rule, is defined as follows:

- (1) Social Security and individual taxpayer-identification numbers;
- (2) driver's license numbers;
- (3) financial account numbers; and
- (4) debit and credit card numbers.

A court may order other types of information redacted or filed confidentially, consistent with the purpose and procedures of this rule.

(c) A redacted filing of personal identity information for the public record is permissible and shall only include:

- (1) the last four digits of the Social Security or individual taxpayer-identification number;
- (2) the last four digits of the driver's license number;
- (3) the last four digits of the financial account number; and
- (4) the last four digits of the debit and credit card number.

When the filing of personal identity information is required by law, ordered by the court, or otherwise necessary to effect disposition of a matter, the party shall file a ~~form in substantial compliance with the appended~~ "Notice Of Confidential Information Within Court Filing," prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix. This document shall contain the personal identity information

in issue; and shall be impounded by the clerk immediately upon filing. Thereafter, the document and any attachments thereto shall remain impounded and be maintained as confidential, except as provided in paragraph (d) or as the court may order.

After the initial impounded filing of the personal identity information, subsequent documents filed in the case shall include only redacted personal identity information with appropriate reference to the impounded document containing the personal identity information.

If any of the impounded personal identity information in the initial filing subsequently requires amendment or updating, the responsible party shall file the amended or additional information by filing a separate “Notice Of Confidential Information Within Court Filing” form.

(d) The information provided with the “Notice of Confidential Information Within Court Filing” shall be available to the parties, to the court, and to the clerk in performance of any requirement provided by law, including the transfer of such information to appropriate justice partners, such as the sheriff, guardian *ad litem*, and the State Disbursement Unit (SDU), the Secretary of State or other governmental agencies, and legal aid agencies or bar association *pro bono* groups. In addition, the clerk, the parties, and the parties’ attorneys may prepare and provide copies of documents without redaction to financial institutions and other entities or persons which require such documents.

(e) Neither the court nor the clerk is required to review documents or exhibits for compliance with this rule. If the clerk becomes aware of any noncompliance, the clerk may call it to the court’s attention. The court, however, shall not require the clerk to review documents or exhibits for compliance with this rule.

(f)(1) If a document or exhibit is filed containing personal identity information, a party or any other person whose information has been filed may move that the court order redaction and confidential filing as provided in paragraph (b). The motion shall be impounded, and the clerk shall remove the document or exhibit containing the personal identity information from public access pending the court’s ruling on the substance of the motion. A motion requesting redaction of a document in the court file shall have attached a copy of the redacted version of the document. If the court allows the motion, the clerk shall retain the unredacted copy under impoundment and the redacted copy shall become part of the court record.

(2) If the court finds the inclusion of personal identity information in violation of this rule was willful, the court may award the prevailing party reasonable expenses, including attorney fees and court costs.

(g) This rule does not require any clerk or judicial officer to redact personal identity information from the court record except as provided in this rule.

Adopted Oct. 24, 2012, eff. July 1, 2013; amended June 3, 2013, eff. July 1, 2013; amended June 27, 2013, eff. July 1, 2013; amended Dec. 24, 2013, eff. Jan. 1, 2014; amended May 29, 2014, eff. immediately; amended Nov. 21, 2014, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

October 24, 2012

(Revised June 3, 2013)

(Revised December 24, 2013)

(Revised May 29, 2014)

Paragraph (a)

Supreme Court Rule 138, adopted October 24, 2012, prohibits the filing of personal identity information that could be used for identity theft. For instance, financial disclosure statements used in family law cases typically contain a variety of personal information that shall remain confidential to protect privacy concerns.

Paragraph (b)

While paragraph (b) defines the most common types of personal identity information, it further allows the court to order redaction or confidential filing of other types of information as necessary to prevent identity theft.

Paragraph (c)

The procedures in paragraph (c) address the filing of personal identity information in redacted form for the public record. Where the personal identity information is required by law, ordered by the court, or otherwise necessary to effect a disposition of a matter, the litigant shall file the document in redacted form and separately file the subject personal identity information in a protected document titled a “Notice of Confidential Information Within Court Filing,” using the appended form. The filing of a separate document without redaction is not necessary or required because the personal identity information will be available to authorized persons by referring to the “Notice of Confidential Information Within Court Filing” form.

Paragraph (d)

The clerk of court can utilize personal identity information and share that information with other agencies, entities and individuals, as provided by law.

[Appendix]

~~In the Circuit Court of the _____ Judicial Circuit,~~
~~_____ County, Illinois~~
~~(Or, In the Circuit Court of Cook County, Illinois)~~

_____)	
Plaintiff/Petitioner,)	
)	
v:)	Case No. _____
)	
_____)	
Defendant/Respondent)	

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

~~Pursuant to Illinois Supreme Court Rule 138(c), the filer of a document containing personal identity information required by law, ordered by the court, or otherwise necessary to effect disposition of a matter shall, at the time of such filing, include this confidential information form which identifies the personal identity information redacted from such filing pursuant to Rule 138(c), and which will be redacted from future filings to protect the subject personal identity information. This personal identity information will not be available to the public and this document will be stored in a separate location from the case file.~~

Party/Individual Information:

1. Name: _____

— Address: _____

— Phone: _____

— SSN: _____

— Other personal identity information as defined in Rule 138(b), to the extent applicable:

2. Name: _____

— Address: _____

— Phone: _____

— SSN: _____

Other personal identity information as defined in Rule 138(b), to the extent applicable:

(Attach additional pages, if necessary.)

Amended Rule 181

Rule 181. Appearances—Answers—Motions

(a) When Summons Requires Appearance Within 30 Days After Service. When the summons requires appearance within 30 days after service, exclusive of the day of service (see Rule 101(d)), the 30-day period shall be computed from the day the copy of the summons is left with the person designated by law and not from the day a copy is mailed, in case mailing is also required. The defendant may make his or her appearance by filing a motion within the 30-day period, in which instance an answer or another appropriate motion shall be filed within the time the court directs in the order disposing of the motion. If the defendant's appearance is made in some other manner, nevertheless his or her answer or appropriate motion shall be filed on or before the last day on which he or she was required to appear.

(b) When Summons Requires Appearance on Specified Day.

(1) *Actions for Money.* Unless the "Notice to Defendant" (see Rule 101(b)) provides otherwise, an appearance in a civil action for money in which the summons requires appearance on a specified day may be made by appearing in person or by attorney at the time and place specified in the summons and making the appearance known to the court, or before the time specified for appearance by filing a written appearance, answer, or motion, in person or by attorney. ~~The written appearance, answer, or motion shall state with particularity the address where service of notice or documents may be made upon the party or attorney so appearing.~~ When a defendant appears in open court, the court shall require him to enter an appearance in writing. When an appearance is made in writing otherwise than by filing an answer or motion, the defendant shall be allowed 10 days after the day for appearance within which to file an answer or motion, unless the court, by rule or order, otherwise directs.

(2) *Forcible Detainer Actions.* In actions for forcible detainer (see Rule 101(b)), the defendant must appear at the time and place specified in the summons. If the defendant appears, he or she need not file an answer unless ordered by the court; and when no answer is ordered, the allegations of the complaint will be deemed denied, and any defense may be proved as if it were specifically pleaded.

(3) *Small Claims.* Appearances in small claims (actions for money not in excess of \$10,000) are governed by Rule 286.

Amended October 21, 1969, effective January 1, 1970; amended December 3, 1996, effective January 1, 1997; amended February 10, 2006, effective immediately; amended Jan. 4, 2013, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

This rule consists of paragraphs (1) and (2) of former Rule 8 without change of substance.

Amended Rule 185

Rule 185. Telephone or Video Conferences

Except as may be otherwise provided by rule of the circuit court, the court may, at a party's request, direct argument of any motion or discussion of any other matter remotely, including by telephone or video conference without a court appearance. The court may further direct which party shall pay any the cost associated with the remote session of the telephone calls.

Adopted April 1, 1992, effective August 1, 1992; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

This rule was adopted as part of a package of measures to increase the use of electronic and telephonic technology and to simplify and make more efficient motion and conference practices. The availability of this alternative procedure may be modified by local rule, inasmuch as telephone conferencing may not be the most efficient way to handle motions, etc., in some circuits or counties.

Amended Rule 187

Rule 187. Motions on Grounds of Forum Non Conveniens

(a) Time for Filing. A motion to dismiss or transfer the action under the doctrine of *forum non conveniens* must be filed by a party not later than 90 days after the last day allowed for the filing of that party's answer.

(b) Proceedings on motions. Hearings on motions to dismiss or transfer the action under the doctrine of *forum non conveniens* shall be scheduled so as to allow the parties sufficient time to conduct discovery on issues of fact raised by such motions. Such motions may be supported and opposed by affidavit. In determining issues of fact raised by affidavits, any competent evidence adduced by the parties shall also be considered. The determination of any issue of fact in connection with such a motion does not constitute a determination of the merits of the case or any aspect thereof.

(c) Proceedings upon granting of motions.

(1) *Intrastate transfer of action.* The clerk of the court from which a transfer is granted to another circuit court in this State on the ground of *forum non conveniens* shall immediately certify and transmit to the clerk of the court to which the transfer is ordered the ~~originals of all documents filed in the case together with copies of and all orders entered therein. In the event of a severance, certified copies of documents filed and orders entered shall be transmitted.~~ The clerk of the court to which the transfer is ordered shall file the documents and transcript transmitted to him or her and docket the case, and the action shall proceed and be determined as if it had originated in that court. The costs attending a transfer shall be taxed by the clerk of the court from which the transfer is granted, and, together with the filing fee in the transferee court, shall be paid by the party or parties who applied for the transfer.

(2) *Dismissal of action.* Dismissal of an action under the doctrine of *forum non conveniens* shall be upon the following conditions:

(i) if the plaintiff elects to file the action in another forum within six months of the dismissal order, the defendant shall accept service of process from that court; and

(ii) if the statute of limitations has run in the other forum, the defendant shall waive that defense.

If the defendant refuses to abide by these conditions, the cause shall be reinstated for further proceedings in the court in which the dismissal was granted. If the court in the other forum refuses to accept jurisdiction, the plaintiff may, within 30 days of the final order refusing jurisdiction, reinstate the action in the court in which the dismissal was granted. The costs attending a dismissal may be awarded in the discretion of the court.

Adopted February 21, 1986, effective August 1, 1986; amended Jan. 4, 2013, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(February 21, 1986)

Rule 187 was adopted, effective August 1, 1986, to provide for the timely filing of motions on *forum non conveniens* grounds (see *Bell v. Louisville & Nashville R.R. Co.* (1985), 106 Ill. 2d 135), and to standardize the procedure governing interstate and intrastate *forum non conveniens* motions.

Paragraph (a)

Paragraph (a) calculates the period for filing a *forum non conveniens* motion from the last day allowed for the filing of that party's answer. (Compare Rule 182(a).) Paragraph (a) refers to "*that party's answer*" to insure that a later-joined defendant is not foreclosed from filing a *forum non conveniens* motion by the failure of another defendant to do so in a timely manner.

Paragraph (b)

Paragraph (b) requires that hearings on *forum non conveniens* motions be scheduled to allow the parties sufficient time to conduct discovery on factual issues raised by such motions. The trial court should exercise its discretion in determining how much time is sufficient.

Paragraph (c)

Paragraph (c)(1) establishes the procedure to be followed when a transfer to another Illinois county on *forum non conveniens* grounds is granted. The procedures to be followed by the clerks of the transferee and transferor courts are similar to those in cases of transfer for wrong venue. See Section 2-106(b) of the Code of Civil Procedure. Attorney fees may not be awarded under this subparagraph.

Paragraph (c)(2) establishes two mandatory conditions to be placed on all dismissals on *forum non conveniens* grounds. If a defendant does not abide by those conditions, the cause is to be reinstated in the court in which the dismissal was granted. If the court in an appropriate forum refuses jurisdiction, the plaintiff has 30 days from the final order refusing jurisdiction to refile the action in the court in which the dismissal was granted. The awarding of costs is discretionary with the trial court. Attorney fees may not be awarded under this subparagraph.

Amended Rule 206

Rule 206. Method of Taking Depositions on Oral Examination

(a) Notice of Examination; Time and Place. A party desiring to take the deposition of any person upon oral examination shall serve notice in writing a reasonable time in advance on the other parties. The notice shall state the time and place for taking the deposition; the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify the deponent; and whether the deposition is for purposes of discovery or for use in evidence.

(1) *Representative Deponent.* A party may in the notice and in a subpoena, if required, name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. The subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization.

(2) *Audio-Visual Recording to be Used.* If a party serving notice of deposition intends to record the deponent's testimony by use of an audio-visual recording device, the notice of deposition must so advise all parties to the deposition. If any other party intends to record the testimony of the witness by use of an audio-visual recording device, notice of that intent must likewise be served upon all other parties a reasonable time in advance. Such notices shall contain the name of the recording-device operator. After notice is given that a deposition will be recorded by an audio-visual recording device, any party may make a motion for relief in the form of a protective order under Rule 201. If a hearing is not held prior to the taking of the deposition, the recording shall be made subject to the court's ruling at a later time.

If the deposition is to be taken pursuant to a subpoena, a copy of the subpoena shall be attached to the notice. On motion of any party upon whom the notice is served, the court, for cause shown, may extend or shorten the time. Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays, or court holidays.

(b) Any Party Entitled to Take Deposition Pursuant to a Notice. When a notice of the taking of a deposition has been served, any party may take a deposition under the notice, in which case the party shall pay the fees and charges payable by the party at whose instance a deposition is taken.

(c) Scope and Manner of Examination and Cross-Examination.

(1) The deponent in a discovery deposition may be examined regarding any matter subject to discovery under these rules. The deponent may be questioned by any party as if under cross-examination.

(2) In an evidence deposition the examination and cross-examination shall be the same as though the deponent were testifying at the trial.

(3) Objections at depositions shall be concise, stating the exact legal nature of the

objection.

(d) Duration of Discovery Deposition. No discovery deposition of any party or witness shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of all parties or by order upon showing that good cause warrants a lengthier examination.

(e) Motion to Terminate or Limit Examination. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in any manner that unreasonably annoys, embarrasses, or oppresses the deponent or party, the court may order that the examination cease forthwith or may limit the scope and manner of taking the examination as provided by these rules. An examination terminated by the order shall be resumed only upon further order of the court. Upon the demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to present a motion for an order. The court may require any party, attorney or deponent to pay costs or expenses, including reasonable attorney fees, or both, as the court may deem reasonable.

(f) Record of Examination; Oath; Objections. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under the officer's direction and in ~~his or her~~ the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically, by sound-recording device, by audio-visual recording device, or by any combination of all three. The testimony shall be transcribed at the request of any party. Objections made at the time of the examination to the qualifications of the officer taking the deposition, to the manner of taking it, to the evidence presented, or to the conduct of any person, and any other objection to the proceedings, shall be included in the deposition. Evidence objected to shall be taken subject to the objection. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written questions to the officer, who shall propound them to the witness and record the answers verbatim.

(g) ~~Videotaped~~ Video Depositions. Except as otherwise provided in this rule, the rules governing the practice, procedures and use of depositions shall apply to ~~videotaped~~ depositions recorded by audio-visual equipment.

(1) Depositions which are to be recorded ~~by on an audio-visual equipment recording device~~ shall begin by the operator of the equipment device stating, on camera, (1) the operator's name and address, (2) the date, time and place of the deposition, (3) the caption of the case, (4) the name of the witness, (5) the party on whose behalf the deposition is being taken, and (6) the party at whose instance the deposition is being recorded on an audio-visual recording device. The officer before whom the deposition is being taken shall state the officer's name ~~identify himself or herself~~ and swear the witness on camera. At the conclusion of the deposition the operator shall state on camera that the deposition is concluded. If the deposition requires the use of more than one videotape or other storage medium, the end of each recorded segment videotape and the beginning of each succeeding segment tape shall be announced on camera by the operator.

(2) The operator shall initially take custody of the audio-visual recording videotape of the deposition and shall run through the recording videotape to determine the exact length of

time of the deposition. The operator shall sign an affidavit stating the length of time of the deposition and shall certify that the recording videotape is a true record of the deposition and shall certify that the operator has not edited or otherwise altered the recording videotape. A deposition so certified requires no further proof of authenticity. If requested by any party at the conclusion of the taking of the deposition, the operator shall make a copy of the videotape and deliver it to the party requesting it at the cost of that party.

(3) A recording videotape of a deposition ~~for purposes of discovery only~~ shall be returned to the attorney for the party at whose instance the deposition was recorded videotaped. Said attorney is responsible for the safeguarding of the recording videotape and shall permit the viewing of and shall provide a copy of the recording videotape upon the request and at the cost of any party. A recording videotape of a discovery deposition shall not be filed with the court except by leave of court for good cause shown.

(4) A recording videotape of a deposition for use in evidence shall not be filed with the court as a matter of course. At the time that a recording of a deposition is offered into evidence, it shall be filed with the court in the form and manner specified by local rule. shall be securely sealed by the operator, in an envelope bearing the title and number of the action, and marked "Deposition(s) of (here insert name(s) of deponent(s))," and promptly filed or sent by certified mail to the clerk of the court for filing. Upon payment of reasonable charges therefor, the operator shall furnish a copy of the videotape to any party or the deponent.

(5) The party at whose instance the ~~videotaped~~ deposition is recorded audio-visually taken shall pay the charges of the recording videotape operator for attending and shall pay any charges ~~for associated with filing the audio-visual recording. videotape of an evidence deposition.~~

(6) The recording videotape of a deposition may be presented at trial in lieu of reading from the stenographic transcription of the deposition.

(h) Remote Electronic Means Depositions. Any party may take a deposition by telephone, videoconference, or other remote electronic means by stating in the notice the specific electronic means to be used for the deposition, subject to the right to object. For the purposes of Rule 203, Rule 205, and this rule, such a deposition is deemed taken at the place where the deponent is to answer questions. Except as otherwise provided in this paragraph (h), the rules governing the practice, procedures and use of depositions shall apply to remote electronic means depositions.

(1) The deponent shall be in the presence of the officer administering the oath and recording the deposition, unless otherwise agreed by the parties.

(2) Any exhibits or other demonstrative evidence to be presented to the deponent by any party at the deposition shall be provided to the officer administering the oath and all other parties within a reasonable period of time prior to the deposition.

(3) Nothing in this paragraph (h) shall prohibit any party from being with the deponent during the deposition, at that party's expense; provided, however, that a party attending a deposition shall give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.

(4) The party at whose instance the remote electronic means deposition is taken shall pay all costs of the remote electronic means deposition, unless otherwise agreed by the parties.

Amended September 8, 1975, effective October 1, 1975; amended January 5, 1981, effective February 1, 1981; amended July 1, 1985, effective August 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 1, 1995, effective January 1, 1996; amended October 22, 1999, effective December 1, 1999; amended February 16, 2011, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments
(February 16, 2011)

Paragraph (h)

The Committee is of the opinion that the apparent acceptance and utilization of telephonic and other remote electronic means depositions demonstrate that there is no need to require a party to obtain an order on motion to proceed with such depositions absent a written stipulation. Therefore, the Committee recommended the elimination of such a requirement so that the depositions may proceed by notice.

Committee Comments
(Revised October 22, 1999)

Paragraph (a)

Paragraph (a) of this rule is derived from former Rule 19-6(1). The requirement that the notice state the name or title of the person before whom a deposition is to be taken has been eliminated, and the phrase “if the name is not known, a general description” changed to “if unknown, information.” The penultimate sentence is new. “Subpoena,” of course, includes a subpoena *duces tecum*.

In 1985, Rule 206 was amended to allow audio-visual recordation of depositions upon notice, without a requirement that the parties obtain leave of court.

Paragraph (a) was amended in 1985 to bar depositions from being taken on Saturday, Sunday or court holidays, unless otherwise ordered by the court.

Paragraph (a) was amended in 1987 to add paragraph (a)(1) on representative deponents. The procedure is substantially similar to the procedure set forth in Federal Rule of Civil Procedure 30(b). The intent of the rule is to provide a mechanism for obtaining information without representative depositions. Failure to comply with the rules should call for appropriate sanctions.

Supreme Court Rule 203 was amended contemporaneously with the change in 206(a) in 1987. The elimination of the court’s discretion to order depositions “in any other place designated by an order of the court” in old Rule 203 was to protect nonparty witnesses from unwarranted interference with their business and/or personal lives which might otherwise occur when 206(a) is employed.

The amendment to Rule 206(a) is not intended to expand the court’s subpoena power in any way. A nonparty, nonresident witness is subject to the court’s subpoena power only to the extent

authorized by law.

Paragraph (b)

Paragraph (b) is new. It covers the situation in which one party serves a notice to take the discovery and evidence depositions of a deponent and after taking the discovery deposition decides not to take the deposition for evidence. The new provision permits the opposing party to proceed to take the evidence deposition without the necessity of serving a new notice.

Paragraph (c)

Paragraph (c) covers part of the subject matter covered by former Rule 19-4. The provision dealing with general scope of discovery appearing in former Rule 19-4 has been deleted, since that subject is covered in Rule 201(b). The first sentence of paragraph (c) of this rule is simply a cross-reference to that provision. The second sentence effects a change in Illinois practice. Under former Rule 19-4, a party was permitted to question a deponent as if under cross-examination in a discovery deposition only if the witness was hostile. The prevailing practice appeared to be to examine witnesses as if under cross-examination whether or not they were hostile. Therefore, the committee deleted the requirement of hostility to conform the language of the rule to the actual practice. In subparagraph (c)(2) of this rule, the requirement that examination and cross-examination in the taking of an evidence deposition shall be the same as though the deponent were testifying at the trial is retained.

Subparagraph (c)(3) has been added to eliminate speaking objections.

Paragraph (d)

The Committee is of the opinion that the vast majority of all discovery depositions can easily be concluded within three hours. (For further comment on this issue, see committee comments to Rule 218.)

Paragraphs (e) and (f)

Paragraphs (e) and (f) of this rule are derived from former Rules 19-6(3) and (2), respectively, with minor language changes, but no changes in substance.

Paragraph (f) was amended in 1975 to provide for the recording of depositions by audio-visual as well as sound-recording devices.

Paragraph (g)

The precautions built into paragraph (g), "Videotaped Depositions," are intended to insure that strict adherence to accepted procedures found in other States that allow videotaping will avoid any problems if videotaping of depositions becomes a widespread practice.

Paragraph (h)

The committee is of the opinion that telephonic and other remote electronic means

depositions should be allowed by a specific paragraph of Rule 206. It is meant to reduce unnecessary discovery costs. The committee recommends that all other demonstrative evidence to be presented to the deponent be premarked before being provided to the officer administering the oath and the other parties. The parties may agree pursuant to Rule 201(i) to amend or waive any conditions of paragraph (h).

Amended Rule 207

Rule 207. Signing and Filing Depositions

(a) Submission to Deponent; Changes; Signing. Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver ~~mail~~ to the deponent, at the address ~~last~~ supplied, notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) Certification, Filing, and Notice of Filing.

(1) If the testimony is transcribed, the officer shall certify ~~on~~ within the deposition transcript that the deponent was duly sworn by the officer ~~him~~ and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity. ~~At the request of any party, the officer shall then securely seal the deposition, together with all exhibits, or copies thereof, in an envelope bearing the title and number of the action and marked "Deposition(s) of (here insert name(s) of deponent(s))" and promptly file it or send it by registered or certified mail to the clerk of the court for filing.~~

(2) Deposition transcripts shall not be filed with the clerk of the court as a matter of course. The party filing causing a deposition to be filed shall promptly serve notice thereof on the other parties and shall file the transcript and any exhibits in the form and manner specified by local rule.

Committee Comments
(Revised June 1, 1995)

Paragraph (a)

Paragraph (a), as adopted in 1967, was derived from former Rule 19-6(4), with some changes. Former Rule 19-6(4) contemplated that all depositions would be transcribed, that unless reading was waived by the parties and the deponent all depositions would be read to or by the deponent, and that all depositions would be signed by the deponent unless signature was waived, or the deponent was ill or could not be found, or refused to sign. Paragraph (a) of the rule as adopted in 1967 contemplated that the contents of a deposition will not always warrant the expense of having it transcribed. It provided that if the deposition were transcribed, it had to be made available to the deponent for examination and changes, if any, unless the parties and deponent waived signature. Thus the new rule substituted a single waiver for the two provided in former Rule 19-6(4).

The procedure was further simplified in 1981 when the paragraph was amended to eliminate the requirement that the deponent sign the deposition unless he is ill, cannot be found, or refuses to sign, or unless signature is waived by the parties and by the deponent. Under the paragraph as amended, if the deposition is transcribed, the officer must notify the deponent that it is available for his inspection, and that after inspecting it he may make such changes as he wishes. If the deponent does not appear or make arrangements to inspect the deposition, after four weeks the officer will certify the deposition and it will be useable as if it had been inspected and signed by the deponent.

Supreme Court Rule 207(a) currently permits a deponent to make changes in both the form and substance of the answers which he or she gives under oath at the time of a deposition. The potential for testimonial abuse has become increasingly evident as witnesses submit lengthy errata sheets in which their testimony is drastically altered, including changing affirmative responses to negative and the reverse. *LaSalle National Bank v. 53rd-Ellis Currency Exchange, Inc.*, 249 Ill. App. 3d 415, 433-36 (1st Dist. 1993).

This rule has been amended to permit “corrections” only under circumstances where the deponent believes the court reporter has inaccurately reported or transcribed an answer or answers. Testimony accurately reported and transcribed at a deposition may not be subsequently revised by the deponent. No change is made regarding existing law as to the uses of deposition testimony at trial or hearing for impeachment, as an evidentiary or judicial admission, or for any other permitted purpose. See Rule 212; *Hansen v. Ruby Construction Co.*, 155 Ill. App. 3d 475, 480-82 (1st Dist. 1987); *Caponi v. Larry’s 66*, 236 Ill. App. 3d 660, 665-67, 671-73 (2d Dist. 1992).

Paragraph (b)

Paragraph (b) of this rule does away with the requirement of former Rule 19-6(5)(a) that all evidence depositions be transcribed and filed. When no party cares to have the deposition transcribed and filed, there is no reason for requiring the party taking the deposition to undergo the expense of transcription and filing. Certification, rather than certification *and filing*, establishes authenticity under the new provision. Otherwise the language of former Rule 19-6(5)(a) is unchanged. Subparagraph (b)(2) is derived from former Rule 19-6(5)(b). The language is unchanged.

Amended Rule 208

Rule 208. Fees and Charges; Copies

(a) Who Shall Pay. Except as provided in paragraph (e), the party at whose instance the deposition is taken shall pay the fees of the witness and of the officer and the charges of the recorder or stenographer for attending. The party at whose request a deposition is ~~transcribed and filed~~ shall pay the charges for transcription, ~~and filing~~. ~~The party at whose request a tape-recorded deposition is filed without having been transcribed shall pay the charges for filing, and if such deposition is subsequently transcribed the party requesting it shall pay the charges for such transcription.~~ If, however, the scope of the examination by any other party exceeds the scope of examination by the party at whose instance the deposition is taken, the fees and charges due to the excess shall be summarily taxed by the court and paid by the other party.

(b) Amount. The officer taking and certifying a deposition is entitled to any fees provided by statute, together with the reasonable and necessary charges for a recorder or stenographer for attending and transcribing the deposition. Every witness attending before the officer is entitled to the fees and mileage allowance provided by statute for witnesses attending courts in this State.

(c) Copies. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition transcript to any party or to the deponent.

(d) Taxing as Costs. The fees and charges provided for in paragraphs (a) through (c) may, in the discretion of the trial court, be taxed as costs.

(e) Controlled Expert Witness Fees. Each party shall, unless manifest injustice would result, bear the expense of all fees charged by his or her Rule 213(f)(3) controlled expert witness or witnesses.

Amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

Paragraph (a)

Paragraph (a) of this rule is derived from former Rule 19-6(5)(c). Under the latter provision the cost of transcribing and filing a deposition taken for discovery purposes was charged to the party at whose request it was filed, while the cost of transcribing and filing a deposition taken for purposes of evidence was charged in all cases to the person at whose instance it was taken. This reflected the fact that all evidence depositions were required to be transcribed and filed. Since

under paragraph (b) of Rule 207, the evidence deposition, like the discovery deposition, is transcribed and filed only if one of the parties requests it, the rule has been changed to place the cost of transcription and filing on the party making the request. The last sentence of former Rule 19-6(5)(c) is paragraph (c) of the new rule. Otherwise the provisions of former Rule 19-6(5)(c) appear without change in paragraph (a) of this rule.

Paragraph (a) was amended in 1975 to make it plain that the party at whose instance a deposition is taken shall pay the charges for the recorder when the deposition is recorded by sound or audio-visual means, that when such a deposition is filed without being transcribed the party at whose instance it is filed shall pay the charges for filing, and that, if subsequently transcribed, the party requesting it shall pay the charges for such transcription.

Paragraph (b)

Paragraph (b) of this rule is derived from former Rule 19-6(5)(d). The language is unchanged except for the deletion of the reference to masters in chancery made necessary by the provision of the judicial article abolishing that office. The rule provides simply that the fees shall be set by statute.

Paragraph (b) was amended in 1975 to make it plain that when a deposition is recorded by sound or audio-visual device the officer taking and certifying the deposition is entitled to the reasonable and necessary charges for a recorder.

Paragraph (c)

This is the last sentence of former Rule 19-6(5)(c).

Paragraph (d)

Paragraph (d) is derived from former Rule 19-6(5)(e). The words “as in equity cases” have been deleted.

Amended Rule 210

Rule 210. Depositions on Written Questions

(a) Serving Questions; Notice. A party desiring to take the deposition of any person upon written questions shall serve them upon the other parties with a notice stating the name and address of the person who is to answer them if known, or, if the name is not known, a general description sufficient to identify the deponent~~him~~, and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 14 days thereafter a party so served may likewise serve cross-questions. Within 7 days after being served with cross-questions a party may likewise serve redirect questions. Within 7 days after being served with redirect questions, a party may likewise serve re-cross-questions.

(b) Officer to Take Responses and Prepare Record. The party at whose instance the deposition is taken shall transmit a copy of the notice and copies of the initial and subsequent questions served to the officer designated in the notice, who shall proceed promptly, in the manner provided by Rules 206(f) and 207, to take the testimony of the deponent in response to

the questions and to prepare, certify, and ~~serve file or mail~~ the deposition ~~on the parties~~, attaching thereto the copy of the notice and the questions received by ~~the officer. him~~. No party, attorney, or person interested in the event of the action (unless he is the deponent) shall be present during the taking of the deposition or dictate, write, or draw up any answer to the questions.

(c) Notice of Filing. Depositions shall not be filed with the clerk of the court as a matter of course. The party filing causing a deposition to be filed shall promptly serve notice thereof on the other parties and shall file the deposition and any exhibits in the form and manner specified by local rule.

Amended effective January 12, 1967; amended October 17, 2006, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

Paragraph (a)

Paragraph (a) of this rule is derived from former Rule 19-7(1). The language is unchanged except that the phrase, “if known, or, if the name is not known, a general description sufficient to identify him,” has been inserted to make the requirements for notices to take depositions upon written questions and upon oral examination the same. See Rule 206(a).

Paragraphs (b) and (c)

Paragraphs (b) and (c) are derived from former Rules 19-7(2) and (3), respectively. There are no changes of substance.

Amended Rule 213

Rule 213. Written Interrogatories to Parties

(a) Directing Interrogatories. A party may direct written interrogatories to any other party. A copy of the interrogatories shall be served on all other parties entitled to notice.

(b) Duty of Attorney. It is the duty of an attorney directing interrogatories to restrict them to the subject matter of the particular case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.

(c) Number of Interrogatories. Except as provided in subparagraph (j), a party shall not serve more than 30 interrogatories, including sub-parts, on any other party except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than 30 interrogatories must be in writing and shall set forth the proposed interrogatories and the reasons establishing good cause for their use.

(d) Answers and Objections. Within 28 days after service of the interrogatories upon the party to whom they are directed, the party shall serve a sworn answer or an objection to each interrogatory, with proof of service upon all other parties entitled to notice. Any objection to an

answer or to the refusal to answer an interrogatory shall be heard by the court upon prompt notice and motion of the party propounding the interrogatory. The answering party shall set forth in full each interrogatory being answered immediately preceding the answer. Sworn answers to interrogatories directed to a public or private corporation, or a partnership or association shall be made by an officer, partner, or agent, who shall furnish such information as is available to the party.

(e) Option to Produce Documents. When the answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatory was served, it shall be a sufficient answer to the interrogatory to produce those documents responsive to the interrogatory. When a party elects to answer an interrogatory by the production of documents, that production shall comply with the requirements of Rule 214.

(f) Identity and Testimony of Witnesses. Upon written interrogatory, a party must furnish the identities and addresses of witnesses who will testify at trial and must provide the following information:

(1) *Lay Witnesses.* A “lay witness” is a person giving only fact or lay opinion testimony. For each lay witness, the party must identify the subjects on which the witness will testify. An answer is sufficient if it gives reasonable notice of the testimony, taking into account the limitations on the party’s knowledge of the facts known by and opinions held by the witness.

(2) *Independent Expert Witnesses.* An “independent expert witness” is a person giving expert testimony who is not the party, the party’s current employee, or the party’s retained expert. For each independent expert witness, the party must identify the subjects on which the witness will testify and the opinions the party expects to elicit. An answer is sufficient if it gives reasonable notice of the testimony, taking into account the limitations on the party’s knowledge of the facts known by and opinions held by the witness.

(3) *Controlled Expert Witnesses.* A “controlled expert witness” is a person giving expert testimony who is the party, the party’s current employee, or the party’s retained expert. For each controlled expert witness, the party must identify: (i) the subject matter on which the witness will testify; (ii) the conclusions and opinions of the witness and the bases therefor; (iii) the qualifications of the witness; and (iv) any reports prepared by the witness about the case.

(g) Limitation on Testimony and Freedom to Cross-Examine. The information disclosed in answer to a Rule 213(f) interrogatory, or in a discovery deposition, limits the testimony that can be given by a witness on direct examination at trial. Information disclosed in a discovery deposition need not be later specifically identified in a Rule 213(f) answer, but, upon objection at trial, the burden is on the proponent of the witness to prove the information was provided in a Rule 213(f) answer or in the discovery deposition. Except upon a showing of good cause, information in an evidence deposition not previously disclosed in a Rule 213(f) interrogatory answer or in a discovery deposition shall not be admissible upon objection at trial.

Without making disclosure under this rule, however, a cross-examining party can elicit information, including opinions, from the witness. This freedom to cross-examine is subject to a restriction that applies in actions that involve multiple parties and multiple representation. In such actions, the cross-examining party may not elicit undisclosed information, including opinions, from the witness on an issue on which its position is aligned with that of the party

doing the direct examination.

(h) Use of Answers to Interrogatories. Answers to interrogatories may be used in evidence to the same extent as a discovery deposition.

(i) Duty to Supplement. A party has a duty to seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to that party.

(j) The Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of cases.

(k) Liberal Construction. This rule is to be liberally construed to do substantial justice between or among the parties.

Amended July 1, 1985, effective August 1, 1985; amended June 1, 1995, effective January 1, 1996; amended April 3, 1997, effective May 1, 1997; amended March 28, 2002, effective July 1, 2002; amended December 6, 2006, effective January 1, 2007; amended Dec. 29, 2017, eff. Jan. 1, 2018.

SEE ADMINISTRATIVE ORDER ENTERED NOVEMBER 27, 2002

Committee Comments (March 28, 2002)

Paragraph (f)

The purpose of this paragraph is to prevent unfair surprise at trial, without creating an undue burden on the parties before trial. The paragraph divides witnesses into three categories, with separate disclosure requirements for each category.

“Lay witnesses” include persons such as an eyewitness to a car accident. For witnesses in this category, the party must identify the “subjects” of testimony—meaning the topics, rather than a summary. An answer must describe the subjects sufficiently to give “reasonable notice” of the testimony, enabling the opposing attorney to decide whether to depose the witness, and on what topics. In the above example, a proper answer might state that the witness will testify about: “(1) the path of travel and speed of the vehicles before impact, (2) a description of the impact, and (3) the lighting and weather conditions at the time of the accident.” The answer would not be proper if it said only that the witness will testify about: “the accident.” Requiring disclosure of only the subjects of lay witness testimony represents a change in the former rule, which required detailed disclosures regarding the subject matter, conclusions, opinions, bases and qualifications of any witness giving any opinion testimony, including lay opinion testimony. Experience has shown that applying this detailed-disclosure requirement to lay witnesses creates a serious burden without corresponding benefit to the opposing party.

“Independent expert witnesses” include persons such as a police officer who gives expert testimony based on the officer’s investigation of a car accident, or a doctor who gives expert testimony based on the doctor’s treatment of the plaintiff’s injuries. For witnesses in this category, the party must identify the “subjects” (meaning topics) on which the witness will testify and the “opinions” the party expects to elicit. The limitations on the party’s knowledge of

the facts known by and opinions held by the witness often will be important in applying the “reasonable notice” standard. For example, a treating doctor might refuse to speak with the plaintiff’s attorney, and the doctor cannot be contacted by the defendant’s attorney, so the opinions set forth in the medical records about diagnosis, prognosis, and cause of injury might be all that the two attorneys know about the doctor’s opinions. In these circumstances, the party intending to call the doctor need set forth only a brief statement of the opinions it expects to elicit. On the other hand, a party might know that a treating doctor will testify about another doctor’s compliance with the standard of care, or that a police officer will testify to an opinion based on work done outside the scope of the officer’s initial investigation. In these examples, the opinions go beyond those that would be reasonably expected based on the witness’ apparent involvement in the case. To prevent unfair surprise in circumstances like these, an answer must set forth a more detailed statement of the opinions the party expects to elicit. Requiring disclosure of only the “subjects” of testimony and the “opinions” the party expects to elicit represents a change in the former rule, which required detailed disclosures about the subject matter, conclusions, opinions, bases, and qualifications of all witnesses giving opinion testimony, including expert witnesses over whom the party has no control. Experience has shown that the detailed-disclosure requirement is too demanding for independent expert witnesses.

“Controlled expert witnesses” include persons such as retained experts. The party can count on full cooperation from the witnesses in this category, so the amended rule requires the party to provide all of the details required by the former rule. In particular, the requirement that the party identify the “subject matter” of the testimony means that the party must set forth the gist of the testimony on each topic the witness will address, as opposed to setting forth the topics alone.

A party may meet its disclosure obligation in part by incorporating prior statements or reports of the witness. The answer to the Rule 213(f) interrogatories served on behalf of a party may be sworn to by the party or the party’s attorney.

Paragraph (g)

Parties are to be allowed a full and complete cross-examination of any witness and may elicit additional undisclosed opinions in the course of cross-examination. This freedom to cross-examine is subject to a restriction that, for example, prevents a party from eliciting previously undisclosed contributory negligence opinions from a coparty’s expert.

Note that the exception to disclosure described in this paragraph is limited to the cross-examining party. It does not excuse the party calling the witness from the duty to supplement described in paragraph (i).

Paragraph (i)

The material deleted from this paragraph now appears in modified form in paragraph (g).

Paragraph (k)

The application of this rule is intended to do substantial justice between the parties. This rule is intended to be a shield to prevent unfair surprise but not a sword to prevent the admission of relevant evidence on the basis of technicalities. The purpose of the rule is to allow for a trial to

be decided on the merits. The trial court should take this purpose into account when a violation occurs and it is ordering appropriate relief under Rule 219(c).

The rule does not apply to demonstrative evidence that is intended to explain or convey to the trier of fact the theories expressed in accordance with this rule.

Committee Comments
(Revised June 1, 1995)

Paragraph (a)

The provision of former Rule 19-11(1) as to who is to answer interrogatories served on corporations, partnerships, and associations appears in paragraph (d) of this rule. The provisions of former Rule 19-11(1) stating that both interrogatories and depositions could be employed and that the court may issue protective orders were deleted because these matters are covered in Rules 201(a) and (c). A prior requirement that the written interrogatories be spaced so as to permit the answering party to answer upon the interrogatory served upon him has been amended to eliminate the spacing requirement, primarily because of the practical and customary way in which interrogatories are answered.

Paragraph (b)

Like paragraph (a) of Rule 201, which cautions against duplication, this provision states the general policy of the rules for the guidance for the court when it is called upon to frame protective orders or dispose of objections to interrogatories as provided in paragraph (d) of Rule 213.

Paragraph (c)

Paragraph (c) is new. Because of widespread complaints that some attorneys engage in the practice of submitting needless, repetitious, and burdensome interrogatories, paragraph (c) limits the number of all interrogatories, regardless of when propounded, to 30 (including subparts), unless “good cause” requires a greater number.

Paragraph (d)

Paragraph (d) is derived from former Rules 19-11(2) and (3). This paragraph embodies a number of changes in the present practice. The time for answering interrogatories is fixed at 28 days instead of 30 (as in former Rule 19-11(2)), consistent with the committee’s general policy of establishing time periods that are multiples of seven days. Under former Rule 19-11(3), the time for making objections is 15 days. Paragraph (d) increases this to 28 days, making the time limit for answering and objecting the same. The other change in Illinois practice effected by paragraph (d) is the requirement that motions to hear objections to interrogatories must be noticed by the party seeking to have the interrogatories answered. Under former Rule 19-11(3) the objection must be noticed by the party making it. This change was made because the committee believes the party seeking the information should have the burden of seeking a

disposition of the objection, and that this will tend to reduce the number of rulings that are necessary by automatically suspending interrogatories which a party is not seriously interested in pursuing. The last phrase provides that the person answering must furnish such information as is available to the party. This phrase was added, as was the same provision to Federal Rule 33 in 1946, to make certain that a corporation, partnership, or association may not avoid answering an interrogatory by disclaiming personal knowledge of the matter on the part of the answering official.

Paragraph (e)

Paragraph (e) has been amended to require a party who elects to answer an interrogatory by referring to documents, to produce the responsive documents as part of the party's answer. When a party elects to respond to an interrogatory by the production of documents, that production must comply with the requirements of Rule 214.

Paragraph (f)

Paragraph (f) now requires a party to serve the identity and location of witnesses who will testify at trial, together with the subject of their testimony. This is a departure from the previously recognized law. This paragraph, as well as others contained in these rules, imposes a "seasonable" duty to supplement.

Paragraph (g)

In light of the elimination of former Supreme Court Rule 220, the definition of an opinion witness is now a person who will offer "any" opinion testimony. It is the Committee's belief that in order to avoid surprise, the subject matter of all opinions must be disclosed pursuant to this rule and Supreme Court Rule 218, and that no new or additional opinions will be allowed unless the interests of justice require otherwise. For purposes of this paragraph, there is no longer a distinction between retained and nonretained experts. Further, upon written interrogatories, a party must state the subject matter to be testified to, the conclusions, opinions and qualifications of opinion witnesses, and provide all reports of opinion witnesses.

Paragraph (h)

Paragraph (h) is derived from former Rule 19-11(4), which provided that answers to interrogatories could be used to the same extent as the deposition of an adverse party. Under former Rule 19-11(1), interrogatories can be directed only to adverse parties; hence the provision in former Rule 19-11(4) to the effect that the answers could be used as could a deposition of an adverse party. Paragraph (a) of the new rule provides that interrogatories can be directed to any party. Accordingly, paragraph (h) of the new rule provides that the answers can be used to the same extent as a discovery deposition. Former Rule 19-11(4) also contained a statement on the scope of interrogatories, equating the permissible scope of inquiry to that permitted in the taking of a deposition. This provision was deleted as unnecessary in view of the provisions of Rule 201(b)(1).

Paragraph (i)

With regard to paragraph (i), the new rule imposes a “seasonable” duty to supplement or amend prior answers when new or additional information becomes known to that party. This is a change from previous discovery requirements and thus eliminates the need for supplemental interrogatories unless different information is sought. The Committee believes that the definition of “seasonable” varies by the facts of each case and by the type of case, but in no event should it allow a party or an attorney to fail to comply with the spirit of this rule by either negligent or wilful noncompliance.

Paragraph (j)

In an effort to avoid discovery disputes, the practitioner is encouraged to utilize interrogatories approved by the Supreme Court pursuant to paragraph (j) whenever possible.

APPENDIX

IN THE SUPREME COURT OF
THE STATE OF ILLINOIS

STANDARD INTERROGATORIES
UNDER SUPREME COURT RULE 213(j)

~~— Under amended Supreme Court Rule 213(j) (eff. January 1, 1996), “[t]he Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of cases.” The committee comments to this rule state, “In an effort to avoid discovery disputes, the practitioner is encouraged to utilize interrogatories approved by the Supreme Court pursuant to paragraph (j) whenever possible.” The following interrogatories are hereby approved pursuant to that amended rule. A party may use one or more interrogatories which are part of a form set of interrogatories. Any such interrogatory so used shall be counted as one interrogatory in determining the total number of interrogatories propounded, regardless of any subparts or multiple inquiries therein. A party may combine form interrogatories with other interrogatories, subject to applicable limitations as to number. A party shall avoid propounding a form interrogatory which has no application to the case.~~

~~— Counsel should note other provisions of amended Rule 213 that are reflected in these standard interrogatories, and which are applicable to nonstandard interrogatories as well. As the committee comments to amended Rule 213(a) indicate, “[the] prior requirement that the written interrogatories be spaced so as to permit the answering party to answer upon the interrogatory served upon him has been amended to eliminate the spacing requirement, primarily because of the practical and customary way in which interrogatories are answered.” Although the proponent of interrogatories may still use spacing between his or her interrogatories, these standard interrogatories do not.~~

~~— Also, amended Rule 213(d) retains the requirement that “[w]ithin 28 days after service of the~~

~~interrogatories upon the party to whom they are directed, the party shall serve a *sworn answer* or an objection to each interrogatory, with proof of service upon all other parties entitled to notice. *** The answering party shall set forth in full each interrogatory being answered immediately preceding the answer.” (Emphasis added.) While the supreme court envisions that parties will continue with the practice of creating a new document in response to interrogatories, and it is the duty of the respondent to interrogatories to attest to the truthfulness of his or her answers, these standard interrogatories include sample attestation clauses.~~

~~— Finally, under amended Supreme Court Rule 213(i), a party has a duty to seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to that party. The proponent of the interrogatories may wish to include a reminder of this duty in the interrogatories.~~

~~Amended Interrogatories Under Rule 213(j)~~

~~— Medical Malpractice Interrogatories to Defendant Doctor (amended May 30, 2008, eff. immediately)~~

~~— All Others (amended June 2, 2005, eff. immediately)~~

~~Motor Vehicle Interrogatories to Plaintiffs~~

~~— 1. State your full name, as well as your current residence address, date of birth, marital status, driver’s license number and issuing state, and the last four digits of your social security number.~~

~~— 2. State the full name and current residence address of each person who witnessed or claims to have witnessed the occurrence that is the subject of this suit (hereinafter referred to simply as the occurrence).~~

~~— 3. State the full name and current residence address of each person, not named in interrogatory No. 2 above, who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after the occurrence.~~

~~4. As a result of the occurrence, were you made a defendant in any criminal or traffic case? If so, — state the court, the caption, the case number, the charge or charges filed against you, whether you pleaded guilty thereto and the final disposition.~~

~~— 5. Describe the personal injuries sustained by you as a result of the occurrence.~~

~~— 6. With regard to your injuries, state:~~

~~— (a) The name and address of each attending physician and/or health care professional;~~

~~— (b) The name and address of each consulting physician and/or other health care professional;~~

~~— (c) The name and address of each person and/or laboratory taking any X ray, MRI and/or other radiological tests of you;~~

~~— (d) The date or inclusive dates on which each of them rendered you service;~~

~~— (e) The amounts to date of their respective bills for services; and~~

~~— (f) From which of them you have written reports.~~

~~— 7. As the result of your personal injuries, were you a patient or outpatient in any hospital~~

~~and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.~~

~~— 8. As the result of your personal injuries, were you unable to work? If so, state:~~

~~— (a) The name and address of your employer, if any, at the time of the occurrence, your wage and/or salary, and the name of your supervisor and/or foreperson;~~

~~— (b) The date or inclusive dates on which you were unable to work;~~

~~— (c) The amount of wage and/or income loss claimed by you; and~~

~~— (d) The name and address of your present employer and your wage and/or salary.~~

~~— 9. State any and all other expenses and/or losses you claim as a result of the occurrence. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm and/or company to whom such amounts are owed, whether the expense and/or loss in question has been paid and, if so, by whom it was so paid, and describe the reason and/or purpose for each expense and/or loss.~~

~~— 10. Had you suffered any personal injury or prolonged, serious and/or chronic illness prior to the date of the occurrence? If so, state when and how you were injured and/or ill, where you were injured and/or ill, describe the injuries and/or illness suffered, and state the name and address of each physician, or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.~~

~~— 11. Are you claiming any psychiatric, psychological and/or emotional injuries as a result of this occurrence? If so, state:~~

~~— (a) The name of any psychiatric, psychological and/or emotional injury claimed, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury;~~

~~— (b) Whether you had suffered any psychiatric, psychological and/or emotional injury prior to the date of the occurrence; and~~

~~— (c) If (b) is in the affirmative, please state when and the nature of any psychiatric, psychological and/or emotional injury, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury.~~

~~— 12. Have you suffered any personal injury or prolonged, serious and/or chronic illness since the date of the occurrence? If so, state when you were injured and/or ill, where and how you were injured and/or ill, describe the injuries and/or the illness suffered, and state the name and address of each physician or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.~~

~~— 13. Have you ever filed any other suits for your own personal injuries? If so, state the nature of the injuries claimed, the courts and the captions in which filed, the years filed, and the titles and docket numbers of the suits.~~

~~— 14. Have you ever filed a claim for and/or received any workers' compensation benefits? If so, state the name and address of the employer against whom you filed for and/or received benefits, the date of the alleged accident or accidents, the description of the alleged accident or accidents, the nature of your injuries claimed and the name of the insurance company, if any,~~

who paid any such benefits.

~~—15. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons and/or vehicles involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address, occupation and employer of the person taking them.~~

~~—16. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or to the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:~~

~~—(a) The date or dates of such conversations and/or statements;~~

~~—(b) The place of such conversations and/or statements;~~

~~—(c) All persons present for the conversations and/or statements;~~

~~—(d) The matters and things stated by the person in the conversations and/or statements;~~

~~—(e) Whether the conversation was oral, written and/or recorded; and~~

~~—(f) Who has possession of the statement if written and/or recorded.~~

~~—17. Do you know of any statements made by any person relating to the occurrence? If so, give the name and address of each such witness, the date of the statement, and state whether such statement was written and/or oral.~~

~~—18. Had you consumed any alcoholic beverage within 12 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was consumed, the particular kind and amount of alcoholic beverage so consumed by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the consumption of alcoholic beverages.~~

~~—19. Have you ever been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.~~

~~—20. Had you used any drugs or medications within 24 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was used, the particular kind and amount of drug or medication so used by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the use of said drug or medication.~~

~~—21. Have you received any payment and/or other consideration from any source in compensation for the injuries alleged in your complaint? If your answer is in the affirmative, state:~~

~~—(a) The amount of such payment and/or other consideration received;~~

~~—(b) The name of the person, firm, insurance company and/or corporation making such payment or providing other consideration and the reason for the payment and/or other consideration; and~~

~~—(c) Whether there are any documents evidencing such payment and/or other consideration~~

received.

~~— 22. State the name and address of the registered owner of each vehicle involved in the occurrence.~~

~~— 23. Were you the owner and/or driver of the vehicle involved in the occurrence? If so, state whether the vehicle was repaired and, if so, state when, where, by whom, and the cost of the repairs.~~

~~— 24. What was the purpose and/or use for which the vehicle was being operated at the time of the occurrence?~~

~~— 25. State the names and addresses of all persons who have knowledge of the purpose for which the vehicle was being used at the time of the occurrence.~~

~~— 26. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.~~

~~— 27. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the occurrence and/or the injuries and damages claimed to have resulted therefrom.~~

~~— 28. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).~~

ATTESTATION

STATE OF ILLINOIS

)

) SS.

COUNTY OF _____

)

_____, being first duly sworn on oath,
deposes and states that he/she is a plaintiff in the above captioned matter; that he/she
has read the foregoing document, and the answers made herein are true, correct and
complete to the best of his/her knowledge and belief.

~~— SIGNATURE~~

~~SUBSCRIBED and SWORN to before me this~~

~~_____ day of _____, 19____.~~

NOTARY PUBLIC

Motor Vehicle Interrogatories to Defendants

~~— 1. State the full name of the defendant answering, as well as your current residence address, date of birth, marital status, driver's license number and issuing state, and the last four digits of your social security number, and if different give the full name, as well as the current residence address, date of birth, marital status, driver's license number and issuing state, and the last four digits of the social security number of the individual signing these answers.~~

~~— 2. State the full name and current residence address of each person who witnessed or claims to have witnessed the occurrence that is the subject of this suit.~~

~~— 3. State the full name and current residence address of each person not named in interrogatory No. 2 above who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after the occurrence.~~

~~— 4. As a result of the occurrence, were you made a defendant in any criminal or traffic case? If so, state the court, the caption, the case number, the charge or charges filed against you, whether you pleaded guilty thereto and the final disposition.~~

~~— 5. Were you the owner and/or driver of the vehicle involved in the occurrence? If so, state whether the vehicle was repaired and, if so, state when, where, by whom, and the cost of the repairs.~~

~~— 6. Were you the owner and/or driver of any vehicle involved in the occurrence? If so, state whether you were named or covered under any policy, or policies, of liability insurance effective on the date of the occurrence and, if so, state the name of each such company or companies, the policy number or numbers, the effective period(s) and the maximum liability limits for each person and each occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.~~

~~— 7. Do you have any information:~~

~~— (a) That any plaintiff was, within the five years immediately prior to the occurrence, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x rayed for any reason other than personal injury? If so, state each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service;~~

~~— (b) That any plaintiff has suffered any serious personal injury and/or illness prior to the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;~~

~~— (c) That any plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;~~

~~— (d) That any plaintiff has ever filed any other suit for his or her own personal injuries? If so, state the name of each plaintiff so involved and state the court and caption in which filed, the year filed, the title and docket number of the case.~~

~~— 8. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons and/or vehicles involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address and occupation and employer of the person taking them.~~

~~— 9. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:~~

~~— (a) The date or dates of such conversations and/or statements;~~

~~— (b) The place of such conversations and/or statements;~~

~~— (c) All persons present for the conversations and/or statements;~~

~~— (d) The matters and things stated by the person in the conversations and/or statements;~~

~~— (e) Whether the conversation was oral, written and/or recorded; and~~

~~— (f) Who has possession of the statement if written and/or recorded.~~

~~— 10. Do you know of any statements made by any person relating to the occurrence complained of by the plaintiff? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written and/or oral.~~

~~— 11. Had you consumed any alcoholic beverage within 12 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was consumed, the particular kind and amount of alcoholic beverage so consumed by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the consumption of the alcoholic beverages.~~

~~— 12. Have you ever been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.~~

~~— 13. Had you used any drugs or medications within 24 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was used, the particular kind and amount of drug or medication so used by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the use of the drug or medication.~~

~~— 14. Were you employed on the date of the occurrence? If so, state the name and address of your employer, and the date of employment and termination, if applicable. If your answer is in the affirmative, state the position, title and nature of your occupational responsibilities with respect to your employment.~~

~~— 15. What was the purpose and/or use for which the vehicle was being operated at the time of the occurrence?~~

~~— 16. State the names and addresses of all persons who have knowledge of the purpose for which the vehicle was being used at the time of the occurrence.~~

~~— 17. State the name and address of the registered owner of each vehicle involved in the~~

occurrence.

—18. Have you ever had your driver's license suspended or revoked? If so, state whether it was suspended or revoked, the date it was suspended or revoked, the reason for the suspension or revocation, the period of time for which it was suspended or revoked, and the state that issued the license.

—19. Do you have or have you had any restrictions on your driver's license? If so, state the nature of the restrictions.

—20. Do you have any medical and/or physical condition which required a physician's report and/or letter of approval in order to drive? If so, state the nature of the medical and/or physical condition, the physician or other health care professional who issued the letter and/or report, and the names and addresses of any physician or other health care professional who treated you for this condition prior to the occurrence.

—21. State the name and address of any physician, ophthalmologist, optician or other health care professional who performed any eye examination of you within the last five years and the dates of each such examination.

—22. State the name and address of any physician or other health care professional who examined and/or treated you within the last 10 years and the reason for such examination and/or treatment.

—23. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

—24. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the occurrence and/or of the injuries and damages claimed to have resulted therefrom.

—25. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

ATTESTATION

STATE OF ILLINOIS

)

) SS.

COUNTY OF _____

)

_____, being first duly sworn on oath, deposes and states that he/she is a defendant in the above-captioned matter, that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

SIGNATURE

SUBSCRIBED and SWORN to before me this

_____ day of _____, 19____.

NOTARY PUBLIC

Matrimonial Interrogatories

- 1. State your full name, current address, date of birth and the last four digits of your social security number.
- 2. List all employment held by you during the preceding three years and with regard to each employment state:
 - (a) The name and address of each employer;
 - (b) Your position, job title or description;
 - (c) If you had an employment contract;
 - (d) The date on which you commenced your employment and, if applicable, the date and reason for the termination of your employment;
 - (e) Your current gross and net income per pay period;
 - (f) Your gross income as shown on the last W-2 tax and wage statement received by you, your social security wages as shown on the last W-2 tax and wage statement received by you, and the amounts of all deductions shown thereon; and
 - (g) All additional benefits or perquisites received from your employment stating the type and value thereof.
- 3. During the preceding three years, have you had any source of income other than from your employment listed above? If so, with regard to each source of income, state the following:
 - (a) The source of income, including the type of income and name and address of the source;
 - (b) The frequency in which you receive income from the source;
 - (c) The amount of income received by you from the source during the immediately preceding three years; and
 - (d) The amount of income received by you from the source for each month during the immediately preceding three years.
- 4. Do you own any interest in real estate? If so, with regard to each such interest state the following:
 - (a) The size and description of the parcel of real estate, including improvements thereon;
 - (b) The name, address and interest of each person who has or claims to have an ownership interest in the parcel of real estate;

- ~~—(c) The date your interest in the parcel of real estate was acquired;~~
- ~~—(d) The consideration you transferred or paid for your interest in the parcel of real estate;~~
- ~~—(e) Your estimate of the current fair market value of the parcel of real estate and your interest therein; and~~
- ~~—(f) The amount of any indebtedness owed on the parcel of real estate and to whom.~~
- ~~—5. For the preceding three years, list the names and addresses of all associations, partnerships, corporations, enterprises or entities in which you have an interest or claim any interest, the nature of your interest or claim of interest therein, the amount of percentage of your interest or claim of interest therein, and an estimate of the value of your interest therein.~~
- ~~—6. During the preceding three years, have you had any account or investment in any type of financial institution, individually or with another or in the name of another, including checking accounts, savings accounts, certificates of deposit and money market accounts? If so, with regard to each such account or investment, state the following:~~
 - ~~—(a) The type of account or investment;~~
 - ~~—(b) The name and address of the financial institution;~~
 - ~~—(c) The name and address of each person in whose name the account is held; and~~
 - ~~—(d) Both the high and the low balance of the account or investment, stating the date of the high balance and the date of the low balance.~~
- ~~—7. During the preceding three years, have you been the holder of or had access to any safety deposit boxes? If so, state the following:~~
 - ~~—(a) The name of the bank or institution where such box is located;~~
 - ~~—(b) The number of each box;~~
 - ~~—(c) A description of the contents of each box during the immediately preceding three years and as of the date of the answer; and~~
 - ~~—(d) The name and address of any joint or co-owners of such safety deposit box or any trustees holding the box for your benefit.~~
- ~~—8. During the immediately preceding three years, has any person or entity held cash or property on your behalf? If so, state:~~
 - ~~—(a) The name and address of the person or entity holding the cash or property; and~~
 - ~~—(b) The type of cash or property held and the value thereof.~~
- ~~—9. During the preceding three years, have you owned any stocks, bonds, securities or other investments, including savings bonds? If so, with regard to each such stock, bond, security or investment state:~~
 - ~~—(a) A description of the stock, bond, security or investment;~~
 - ~~—(b) The name and address of the entity issuing the stock, bond, security or investment;~~
 - ~~—(c) The present value of such stock, bond, security or investment;~~
 - ~~—(d) The date of acquisition of the stock, bond, security or investment;~~
 - ~~—(e) The cost of the stock, bond, security or investment;~~
 - ~~—(f) The name and address of any other owner or owners in such stock, bond, security or~~

investment; and

—(g) If applicable, the date sold and the amount realized therefrom.

—10. Do you own or have any incidents of ownership in any life, annuity or endowment insurance policies? If so, with regard to each such policy state:

—(a) The name of the company;

—(b) The number of the policy;

—(c) The face value of the policy;

—(d) The present value of the policy;

—(e) The amount of any loan or encumbrance on the policy;

—(f) The date of acquisition of the policy; and

—(g) With regard to each policy, the beneficiary or beneficiaries.

—11. Do you have any right, title, claim or interest in or to a pension plan, retirement plan or profit sharing plan, including, but not limited to, individual retirement accounts, 401(k) plans and deferred compensation plans? If so, with regard to each such plan state:

—(a) The name and address of the entity providing the plan;

—(b) The date of your initial participation in the plan; and

—(c) The amount of funds currently held on your behalf under the plan.

—12. Do you have any outstanding indebtedness or financial obligations, including mortgages, promissory notes, or other oral or written contracts? If so, with regard to each obligation state the following:

—(a) The name and address of the creditor;

—(b) The form of the obligation;

—(c) The date the obligation was initially incurred;

—(d) The amount of the original obligation;

—(e) The purpose or consideration for which the obligation was incurred;

—(f) A description of any security connected with the obligation;

—(g) The rate of interest on the obligation;

—(h) The present unpaid balance of the obligation;

—(i) The dates and amounts of installment payments; and

—(j) The date of maturity of the obligation.

—13. Are you owed any money or property? If so, state:

—(a) The name and address of the debtor;

—(b) The form of the obligation;

—(c) The date the obligation was initially incurred;

—(d) The amount of the original obligation;

—(e) The purpose or consideration for which the obligation was incurred;

—(f) The description of any security connected with the obligation;

—(g) The rate of interest on the obligation;

- ~~—(h) The present unpaid balance of the obligation;~~
- ~~—(i) The dates and amounts of installment payments; and~~
- ~~—(j) The date of maturity of the obligation.~~
- ~~—14. State the year, make and model of each motor or motorized vehicle, motor or mobile home and farm machinery or equipment in which you have an ownership, estate, interest or claim of interest, whether individually or with another, and with regard to each item state:~~
 - ~~—(a) The date the item was acquired;~~
 - ~~—(b) The consideration paid for the item;~~
 - ~~—(c) The name and address of each other person who has a right, title, claim or interest in or to the item;~~
 - ~~—(d) The approximate fair market value of the item; and~~
 - ~~—(e) The amount of any indebtedness on the item and the name and address of the creditor.~~
- ~~—15. Have you purchased or contributed towards the payment for or provided other consideration or improvement with regard to any real estate, motorized vehicle, financial account or securities, or other property, real or personal, on behalf of another person or entity other than your spouse during the preceding three years. If so, with regard to each such transaction state:~~
 - ~~—(a) The name and address of the person or entity to whom you contributed;~~
 - ~~—(b) The type of contribution made by you;~~
 - ~~—(c) The type of property to which the contribution was made;~~
 - ~~—(d) The location of the property to which the contribution was made;~~
 - ~~—(e) Whether or not there is written evidence of the existence of a loan; and~~
 - ~~—(f) A description of the written evidence.~~
- ~~—16. During the preceding three years, have you made any gift of cash or property, real or personal, to any person or entity not your spouse? If so, with regard to each such transaction state:~~
 - ~~—(a) A description of the gift;~~
 - ~~—(b) The value of the gift;~~
 - ~~—(c) The date of the gift;~~
 - ~~—(d) The name and address of the person or entity receiving the gift;~~
 - ~~—(e) Whether or not there is written evidence of the existence of a gift; and~~
 - ~~—(f) A description of the written evidence.~~
- ~~—17. During the preceding three years, have you made any loans to any person or entity not your spouse and, if so, with regard to each such loan state:~~
 - ~~—(a) A description of the loan;~~
 - ~~—(b) The value of the loan;~~
 - ~~—(c) The date of the loan;~~
 - ~~—(d) The name and address of the person or entity receiving the loan;~~
 - ~~—(e) Whether or not there is written evidence of the existence of a loan; and~~

- ~~—(f) A description of the written evidence.~~
- ~~—18. During the preceding three years, have you sold, transferred, conveyed, encumbered, concealed, damaged or otherwise disposed of any property owned by you and/or your spouse individually or collectively? If so, with regard to each item of property state:~~
 - ~~—(a) A description of the property;~~
 - ~~—(b) The current location of the property;~~
 - ~~—(c) The purpose or reason for the action taken by you with regard to the property;~~
 - ~~—(d) The approximate fair market value of the property;~~
 - ~~—(e) Whether or not there is written evidence of any such transaction; and~~
 - ~~—(f) A description of the written evidence.~~
- ~~—19. During the preceding three years, have any appraisals been made with regard to any of the property listed by you under your answers to these interrogatories? If so, state:~~
 - ~~—(a) The name and address of the person conducting each such appraisal;~~
 - ~~—(b) A description of the property appraised;~~
 - ~~—(c) The date of the appraisal; and~~
 - ~~—(d) The location of any copies of each such appraisal.~~
- ~~—20. During the preceding three years, have you prepared or has anyone prepared for you any financial statements, net worth statements or lists of assets and liabilities pertaining to your property or financial affairs? If so, with regard to each such document state:~~
 - ~~—(a) The name and address of the person preparing each such document;~~
 - ~~—(b) The type of document prepared;~~
 - ~~—(c) The date the document was prepared; and~~
 - ~~—(d) The location of all copies of each such document.~~
- ~~—21. State the name and address of any accountant, tax preparer, bookkeeper and other person, firm or entity who has kept or prepared books, documents and records with regard to your income, property, business or financial affairs during the course of this marriage.~~
- ~~—22. List all nonmarital property claimed by you, identifying each item of property as to the type of property, the date received, the basis on which you claim it is nonmarital property, its location, and the present value of the property.~~
- ~~—23. List all marital property of this marriage, identifying each item of property as to the type of property, the basis on which you claim it to be marital property, its location, and the present value of the property.~~
- ~~—24. What contribution or dissipation has your spouse made to the marital estate, including but not limited to each of the items or property identified in response to interrogatories No. 22 and No. 23 above, citing specifics, if any, for each item of property?~~
- ~~—25. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.~~
- ~~—26. Are you in any manner incapacitated or limited in your ability to earn income at the present time? If so, define and describe such incapacity or limitation, and state when such~~

~~incapacity or limitation commenced and when it is expected to end.~~

~~—27. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).~~

ATTESTATION

STATE OF ILLINOIS

)

) SS:

COUNTY OF _____

)

_____, being first duly sworn on oath, deposes and states that he/she is a _____ in the above-captioned matter, that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

SIGNATURE

SUBSCRIBED and SWORN to before me this

_____ day of _____, 19____.

NOTARY PUBLIC

Medical Malpractice Interrogatories to Plaintiff

~~—1. State your full name, as well as your current residence address, the last four digits of your social security number, date and place of birth, and any other name by which you have ever been known.~~

~~—2. Describe the acts and/or omissions of the defendant(s), i.e., the specific diagnosis, procedure, test, therapy, treatment or other type of healing arts ministrations which you claim caused or contributed to the injuries for which you seek damages and, as to each, state:~~

~~—(a) The date or dates thereof;~~

~~—(b) The name and address of each witness;~~

~~—(c) The names and addresses of all other persons having knowledge thereof and as to each such person the basis for his or her knowledge; and~~

~~—(d) The location of any and all documents, including without limitation, hospital and~~

~~medical records reflecting such acts and/or omissions.~~

~~— 3. State the full name, last known address, telephone number, occupation and/or profession, employer or business affiliation, and relationship to you of each person who has or claims to have knowledge that the defendant(s) deviated from any applicable standard of care in relation to you. As to each such person, state:~~

~~— (a) The nature of such knowledge;~~

~~— (b) The manner whereby it was acquired;~~

~~— (c) The date or dates upon which such knowledge was acquired; and~~

~~— (d) The identity and location of any and all documents reflecting such deviation.~~

~~— 4. Please state the name, address and specialty, if any, of all treating physicians, nurses, medical technicians or other persons practicing the healing arts in any of its branches with whom you or your attorneys have discussed any of the following:~~

~~— (a) The standard of care owed to you by the defendant(s);~~

~~— (b) The negligent acts and/or omissions described in your Complaint;~~

~~— (c) The nature and extent of any injuries suffered by you; and~~

~~— (d) The relationship between acts and/or omissions on the part of the defendant(s) and such injuries.~~

~~— 5. Do you know of any statements made by any person relating to the care and treatment or the damages alleged in the Complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.~~

~~— 6. State the name, author, publisher, title, and date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to use as authority or reference in proving any of the allegations set forth in the Complaint.~~

~~— 7. Identify each and every rule, regulation, bylaw, protocol, standard or writing of whatsoever nature by any professional group, association, credentialing body, accrediting authority or governmental agency which you, or your attorney, may use at trial to establish the standard of care owed by the defendant(s), or the breach thereof.~~

~~— 8. Please identify and state the location of any of the following documents relating to the issues in this case which either bear the name, handwriting and/or signature of the defendant(s):~~

~~— (a) Publications and/or professional literature authored by the defendant(s), including publication source and reference;~~

~~— (b) Correspondence, records, memoranda or other writings prepared by the defendant(s) regarding your diagnosis, care and treatment, other than medical and hospital records in this case; and~~

~~— (c) Documents prepared by persons other than you or your attorneys which contain the name of the defendant(s).~~

~~— 9. Describe the personal injuries sustained by you as the result of the negligent act or omissions described in your Complaint.~~

~~— 10. With regard to your injuries, state:~~

- ~~—(a) The name and address of each attending physician and/or health care professional;~~
- ~~—(b) The name and address of each consulting physician and/or other health care professional;~~
- ~~—(c) The name and address of each person and/or laboratory taking any X ray, MRI and/or other radiological tests of you;~~
- ~~—(d) The date or inclusive dates on which each of them rendered you service;~~
- ~~—(e) The amounts to date of their respective bills for service; and~~
- ~~—(f) From which of them you have written reports.~~
- ~~—11. As the result of your personal injuries, were you a patient or outpatient in any hospital and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.~~
- ~~—12. As the result of your personal injuries, were you unable to work? If so, state:~~
 - ~~—(a) The name and address of your employer, if any, at the time of the acts and/or omissions described in the Complaint, your wage and/or salary, and the name of your supervisor and/or foreperson;~~
 - ~~—(b) The date or inclusive dates on which you were unable to work;~~
 - ~~—(c) The amount of wage and/or income loss claimed by you; and~~
 - ~~—(d) The name and address of your present employer and your wage and/or salary.~~
- ~~—13. State any and all other expenses and/or losses you claim as a result of the acts and/or omissions described in the complaint. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm and/or company to whom such amounts are owed, whether the expense and/or loss in question has been paid and, if so, by whom it was so paid, and describe the reason and/or purpose for each expense and/or loss.~~
- ~~—14. Had you suffered any personal injury or prolonged, serious and/or chronic illness within ten (10) years prior to the date of the acts and/or omissions described in your complaint? If so, state when and how you were injured and/or ill, where you were injured and/or ill, describe the injuries and/or illness suffered, and state the name and address of each physician, or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.~~
 - ~~—For each physician, or other health care professional, hospital and/or clinic identified in the preceding paragraph, state the name and address of each insurance company or other entity (health maintenance organization, governmental public assistance program, etc.) which provided to you indemnity, reimbursement or other payment for the medical services received by you and as to each such payor, state the policy number, group number and/or identification number under which you were able to obtain such medical services.~~
- ~~—15. Have you suffered any personal injury or prolonged, serious and/or chronic illness since the date of the negligent act or omission alleged in your complaint? If so, state when you were injured and/or ill, where and how you were injured and/or ill, describe the injuries and/or illness suffered, and state the name and address of each physician or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.~~
- ~~—16. Have any other suits been filed for your personal injuries preceding the filing of this~~

lawsuit? If so, state the nature of the injuries claimed, the courts and the captions in which filed, the years filed, and the titles and docket numbers of the suits.

—17. Have you filed a claim for and/or received workers' compensation benefits? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of the insurance company that paid any such benefits and the case number(s) and jurisdiction(s) where filed.

—18. Did defendant(s) or anyone associated with defendant(s) give you information or discuss with you the risks involved in the treatment to be given you? If so, state the date(s) and place(s) such information was given, the name(s) of the person(s) providing such information or engaging you in the discussion, and give a description of the information provided or discussed with you.

—19. Are you claiming any psychiatric, psychological and/or emotional injuries as a result of the acts and/or omissions described in the complaint? If so, state:

—(a) The name of any psychiatric, psychological and/or emotional injury claimed, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury;

—(b) Whether you had suffered any psychiatric, psychological and/or emotional injury prior to the date of the acts and/or omissions described in the complaint; and

—(c) If (b) is in the affirmative, please state when and the nature of any psychiatric, psychological and/or emotional injury, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury.

—20. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

—21. Do you have any photographs, movies and/or videotapes relating to the acts and/or omissions which are described in your complaint and/or the nature and extent of any injuries for which recovery is sought? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, who was displayed therein, who now has custody of them, and the name, address, occupation and employer of the person taking them.

—22. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the care and treatment described in your complaint was provided, or have you overheard any statement made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the care and treatment alleged in the complaint was provided? If so, state:

—(a) The date or dates of such conversation(s) and/or statement(s);

—(b) The place of such conversation(s) and/or statement(s);

—(c) All persons present for the conversation(s) and/or statement(s);

—(d) The matters and things stated by the person in the conversation(s) and/or statement(s);

—(e) Whether the conversation(s) was oral, written and/or recorded; and

—(f) Who has possession of the statement(s) if written and/or recorded.

—23. Have you received any payment and/or other consideration from any source in compensation for the injuries alleged in your complaint? If your answer is in the affirmative,

state:

- ~~— (a) The amount of such payment and/or other consideration received;~~
- ~~— (b) The name of the person, firm, insurance company and/or corporation making such payment or providing other consideration and the reason for the payment and/or other consideration; and~~
- ~~— (c) Whether there are any documents evidencing such payment and/or other consideration received.~~
- ~~— 24. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).~~
- ~~— 25. List the names and addresses of all persons (other than yourself and persons heretofore listed) who have knowledge of the facts regarding the care and treatment complained of in the complaint filed herein and/or of the injuries claimed to have resulted therefrom.~~

ATTESTATION

STATE OF ILLINOIS

)

) SS.

COUNTY OF _____

)

_____, being first duly sworn on oath, deposes and states that he/she is a _____ in the above captioned matter, that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

SIGNATURE

SUBSCRIBED and SWORN to before me this

_____ day of _____, 19____.

NOTARY PUBLIC

Medical Malpractice Interrogatories to Defendant Doctor

(Amended May 30, 2008, eff. immediately)

- ~~— 1. State your full name, professional and residence addresses, and attach a current copy of~~

~~your *curriculum vitae* (CV). In the event you do not have a CV, state in detail your professional qualifications, including your education by identifying schools from which you graduated and the degrees granted and dates thereof, your medical internships and residencies, fellowships and a bibliography of your professional writing(s).~~

~~— 2. State whether you have held any position on a committee or with an administrative body at any hospital. If so, state when you held such position(s) and the duties and responsibilities involved in such position(s).~~

~~— 3. Have you ever been named as a defendant in a lawsuit arising from alleged malpractice or professional negligence? If so, state the court, the caption and the case number for each lawsuit.~~

~~— 4. Since the institution of this action, have you been asked to appear before or attend any meeting of a medical committee or official board of any medical society or other entity for the purpose of discussing this case? If so, state the date(s) of each such meeting and the name and address of the committee, society or other entity conducting each meeting.~~

~~— 5. Have you ever testified in court in a medical malpractice case? If so, state the court, the caption and the case number of each such case, the approximate date of your testimony, whether you testified as a treating physician or expert and whether you testified on your own behalf or on behalf of the defendant or the plaintiff.~~

~~— 6. Has your license to practice medicine ever been suspended or has any disciplinary action ever been taken against you in reference to your license? If so, state the specific disciplinary action taken, the date of the disciplinary action, the reason for the disciplinary action, the period of time for which the disciplinary action was effective and the name and address of the disciplinary entity taking the action.~~

~~— 7. State the exact dates and places on and at which you saw the plaintiff for the purpose of providing care or treatment.~~

~~— 8. State the name, author, publisher, title, date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to use as authority or reference in defending any of the allegations set forth in the complaint.~~

~~— 9. Were you named or covered under any policy or policies of liability insurance at the time of the care and treatment alleged in the complaint? If so, state for each policy:~~

~~— a. The name of the insurance company;~~

~~— b. The policy number;~~

~~— c. The effective policy period;~~

~~— d. The maximum liability limits for each person and each occurrence, including umbrella and excess liability coverage; and~~

~~— e. The named insured(s) under the policy.~~

~~— 10. Are you incorporated as a professional corporation? If so, state the legal name of your corporation and the name(s) and address(es) for all shareholders.~~

~~— 11. If you are not incorporated as a professional corporation, state whether you were affiliated with a corporate medical practice or partnership in any manner on the date of the occurrence alleged in the complaint. If so, state the name of the corporate medical practice or partnership, the nature of your affiliation and the dates of your affiliation.~~

~~—12. Were you at any time an employee, agent, servant, shareholder or partner of [NAME OF HOSPITAL]? If so, state the date(s) and nature of your relationship.~~

~~—13. State whether there were any policies, procedures, guidelines, rules or protocols for [THE PROCEDURE COMPLAINED OF] that were in effect at [NAME OF THE HOSPITAL WHERE PROCEDURE WAS PERFORMED] at the time of the care and/or treatment alleged in the complaint. If so, state:~~

~~—a. Whether such policies, guidelines, rules or protocols are published and by whom;~~

~~—b. The effective date of said policies, guidelines, rules or protocols;~~

~~—c. Which medical professionals are bound by said policies, guidelines, rules or protocols;~~

~~—d. Who is the administrator of any such policies, procedures, guidelines, rules and/or protocols; and~~

~~—e. Whether the policies, guidelines, rules or protocols in effect at the time of the occurrence alleged in the complaint have been changed, amended, or altered since the occurrence. If so, state the change(s) and the date(s) of any such change(s).~~

~~—14. Were any photographs, movies and/or videotapes taken of the plaintiff or of the procedures complained of? If so, state the date(s) on which such photographs, movies and/or videotapes were taken, who is displayed therein, who now has custody of them, and the name, address, occupation and employer of the person taking them.~~

~~—15. Do you know of any statements made by any person relating to the care and treatment or the damages described in the complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.~~

~~—16. Do you have any information:~~

~~—a. That any plaintiff was, within the 10 years immediately prior to the care and treatment described in the complaint, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state the name of each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or health care professional, the approximate date of such confinement or service and state the reason for such confinement or service.~~

~~—b. That any plaintiff has suffered any serious personal injury and/or illness within 10 years prior to the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.~~

~~—c. That any plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.~~

~~—d. That any other suits have been filed for any plaintiff's personal injuries? If so, state the name of each plaintiff involved, the nature of the injuries claimed, the court(s) and caption(s) in which filed, the year(s) filed, and the title(s) and docket number(s) of the suit(s).~~

~~—e. That any claim for workers' compensation benefits has been filed for any plaintiff? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of~~

SIGNATURE

~~SUBSCRIBED and SWORN to before me this~~

~~_____ day of _____, 20____.~~

~~_____~~

~~NOTARY PUBLIC~~

**Medical Malpractice Interrogatories
to Defendant Hospital**

- ~~— 1. State the full name and address of the person answering and, if different, the full name and address of the individual signing the answers.~~
- ~~— 2. Do you know of any statements made by any person relating to the care and treatment of the plaintiff or the damages alleged of in the complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.~~
- ~~— 3. Has the [NAME OF DEFENDANT HOSPITAL] been named as a defendant in a lawsuit arising from alleged malpractice or professional negligence during the 8 year period preceding the filing of this lawsuit? If so, state the court, the caption and the case number for such lawsuit.~~
- ~~— 4. State whether [NAME OF DEFENDANT HOSPITAL] was named or covered under any policy or policies of medical liability insurance at the time of the care or treatment alleged in the complaint? If so, state for each policy:~~
- ~~— a. The name of the insurance company;~~
 - ~~— b. The policy number;~~
 - ~~— c. The effective policy period;~~
 - ~~— d. The maximum liability limits for each person and each occurrence, including umbrella and excess liability coverage; and~~
 - ~~— e. The named insured(s) under each policy.~~
- ~~— 5. State whether any hearing dealing with mortality or morbidity was held regarding the care and treatment of the plaintiff alleged in the Complaint.~~
- ~~— 6. State the name, author, publisher, title, date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to use as authority or reference in defending any of the allegations set forth in the Complaint.~~
- ~~— 7. Identify each and every rule, regulation, bylaw or other document of any hospital, association, licensing authority, accrediting authority or other private body which you, or your~~

~~attorneys, may use at trial in defense of the allegations contained in the Complaint.~~

~~— 8. State whether there were any policies, procedures, guidelines, rules or protocols for [PROCEDURE COMPLAINED OF] in effect at [DEFENDANT HOSPITAL] at the time of the care and/or treatment of the plaintiff alleged in the Complaint. If so, state:~~

~~— a. Whether such policies, procedures, opinions, rules or protocols are published and by whom;~~

~~— b. The effective date of said policies, procedures, guidelines, rules or protocols;~~

~~— c. Which medical professionals are bound by said policies, procedures, guidelines, rules or protocols;~~

~~— d. Who is the administrator of any such policies, procedures, guidelines, rules or protocols; and~~

~~— e. Whether the policies, procedures, guidelines, rules or protocols in effect at the time of the occurrence alleged in the Complaint have been changed, amended or altered after the occurrence. If so, state the change(s) and the date(s) of any such change(s).~~

~~— 9. Was [DEFENDANT DOCTOR] an employee, agent, servant, shareholder or partner of [DEFENDANT HOSPITAL] at the time of the care or treatment of the plaintiff alleged in the Complaint? If so, state with specificity the nature of the relationship.~~

~~— 10. State for each person who directly or indirectly was involved in the care or treatment of the plaintiff alleged in the Complaint:~~

~~— a. That person's full name and current residence address;~~

~~— b. The name and current address of that person's employer;~~

~~— c. The employment relationship of that person with [DEFENDANT HOSPITAL];~~

~~— d. The date(s) of such person's care or treatment, including a description of the care or treatment; and~~

~~— e. The name and current address of any other individual present when the care or treatment was rendered.~~

~~— 11. Were any photographs, movies and/or videotapes taken of the plaintiff or of the procedures complained of? If so, state the date(s) on which such photographs, movies and/or videotapes were taken, who is displayed therein, who now has custody of them, and the name, address, occupation and employer of the person taking them.~~

~~— 12. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the care and treatment alleged in the complaint was provided, or have you overheard any statement made by any persons at any time with regard to the injuries complained of by the plaintiff or the manner in which the care and treatment alleged in the complaint was provided? If so, state:~~

~~— a. The date or dates of such conversation(s) and/or statements(s);~~

~~— b. The place of such conversation(s) and/or statement(s);~~

~~— c. All persons present for the conversation(s) and/or statement(s);~~

~~— d. The matters and things stated by the person in the conversation(s) and/or statement(s);~~

~~— e. Whether the conversation(s) was oral, written and/or recorded; and~~

- ~~— f. Who has possession of the statement(s) if written and/or recorded.~~
- ~~— 13. Do you have any information:~~
- ~~— a. That any plaintiff was, within the 10 years immediately prior to the care and treatment alleged in the complaint, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state the name of each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service.~~
- ~~— b. That any plaintiff has suffered any serious personal injury and/or illness within 10 years prior to the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.~~
- ~~— c. That any plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.~~
- ~~— d. That any other suit has been filed for any plaintiff's personal injuries? If so, state the name of each plaintiff involved, the nature of the injuries claimed, the court(s) and caption(s) in which filed, the year(s) filed, and the title(s) and docket number(s) of the suit(s).~~
- ~~— e. That any claim for workers' compensation benefits has been filed for any plaintiff? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of the insurance company that paid any such benefits and the case number(s) and jurisdiction(s) where filed.~~
- ~~— 14. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.~~
- ~~— 15. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).~~
- ~~— 16. List the name and address of all persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the care and treatment complained of in the complaint filed herein and/or of the injuries claimed to have resulted therefrom.~~

ATTESTATION

STATE OF ILLINOIS

)

) SS:

COUNTY OF _____

)

_____, being first duly sworn on oath, deposes and states that he/she is a defendant in the above-captioned matter, that he/she has read the foregoing document, and the answers made herein are true, correct and complete to

~~the best of his/her knowledge and belief.~~

SIGNATURE

SUBSCRIBED and SWORN to before me this

____ day of _____, 19____.

NOTARY PUBLIC

Amended Rule 215

Rule 215. Physical and Mental Examination of Parties and Other Persons.

(a) Notice; Motion; Order. In any action in which the physical or mental condition of a party or of a person in the party's custody or legal control is in controversy, the court, upon notice and on motion made within a reasonable time before the trial, may order such party to submit to a physical or mental examination by a licensed professional in a discipline related to the physical or mental condition which is involved. The motion shall suggest the identity of the examiner and set forth the examiner's specialty or discipline. The court may refuse to order examination by the examiner suggested but in that event shall permit the party seeking the examination to suggest others. A party or person shall not be required to travel an unreasonable distance for the examination. The order shall fix the time, place, conditions, and scope of the examination and designate the examiner. The party calling an examiner to testify at trial shall disclose the examiner as a controlled expert witness in accordance with these rules.

(b) Examiner's Fee and Compensation for Loss of Earnings. The party requesting the examination shall pay the fee of the examiner and compensation for any loss of earnings incurred or to be incurred by the party or person to be examined in complying with the order for examination, and shall advance all reasonable expenses incurred or to be incurred by the party or person in complying with the order.

(c) Examiner's Report. Within 21 days after the completion of the examination, the examiner shall prepare and ~~mail or~~ deliver to the attorneys for the party requesting the examination and the party examined ~~duplicate originals of~~ a written report of the examination, setting out the examiner's findings, results of all tests made, and the examiner's diagnosis and conclusions. The court may enforce compliance with this requirement. If the report is not delivered ~~or mailed~~ to the attorney for the party examined within the time herein specified or within any extensions or modifications thereof granted by the court, neither the examiner's report, the examiner's testimony, the examiner's findings, X-ray films, nor the results of any tests the examiner has made may be received in evidence except at the instance of the party examined or who produced the person examined. No examiner under this rule shall be

considered a consultant.

(d) Impartial Medical Examiner.

(1) *Examination Before Trial.* A reasonable time in advance of the trial, the court may on its own motion or that of any party, order an impartial physical or mental examination of a party where conflicting medical testimony, reports or other documentation has been offered as proof and the party's mental or physical condition is thereby placed in issue, when in the court's discretion it appears that such an examination will materially aid in the just determination of the case. The examination shall be made by a member or members of a panel of physicians chosen for their special qualifications by the Administrative Office of the Illinois Courts.

(2) *Examination During Trial.* Should the court at any time during the trial find that compelling considerations make it advisable to have an examination and report at that time, the court may in its discretion so order.

(3) *Copies of Report.* A copy of the report of examination shall be given to the court and to the attorneys for the parties.

(4) *Testimony of Examining Physician.* Either party or the court may call the examining physician or physicians to testify. Any physician so called shall be subject to cross-examination.

(5) *Costs and Compensation of Physician.* The examination shall be made, and the physician or physicians, if called, shall testify without cost to the parties. The court shall determine the compensation of the physician or physicians.

(6) *Administration of Rule.* The Administrative Director and the Deputy Administrative Director are charged with the administration of the rule.

Amended June 1, 1995, effective January 1, 1996; amended March 28, 2002, effective July 1, 2002; amended March 28, 2011, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(March 28, 2011)

Paragraph (d) provides that a trial court may order impartial medical examinations only where the parties have presented conflicting medical testimony, reports or other such documentation which places a party's mental or physical condition "in issue" and, in the court's discretion, it appears that the examination will materially aid in the just determination of the case. Mere allegations are insufficient to place a party's mental or physical condition "in issue."

The impartial medical examiner cannot answer the ultimate legal issues in the case; rather, the examiner can render a medical opinion which can assist in the resolution of those issues.

[SEE ADMINISTRATIVE ORDER ENTERED NOVEMBER 27, 2002](#)

Committee Comment

(March 28, 2002)

This rule is amended to conform to the changes in terminology made in Supreme Court Rule

Committee Comments
(Revised June 1, 1995)

This rule is derived from former Rules 17-1 and 17-2. The language of Rule 17-1 was not changed except that the time in which the examining physician shall present his findings has been extended to 21 days in paragraph (c) of Rule 215. Under former Rule 17-1(3) that period was 20 days. Paragraph (c) of the new rule also requires that the physician present his report 14 days before trial. Former Rule 17-1(3) required the physician to present his findings not later than 10 days before trial. These changes are consistent with the committee's general policy of establishing time periods in multiples of seven days.

Former Rule 17-2 has been revised as paragraph (d) of the new rule, but the substance is not changed, except that the provision is no longer limited to personal injury cases.

This rule is intended to provide an orderly procedure for the examination of civil litigants whose physical or mental condition is in controversy. Originally, the rule concerned only physicians. The new rule recognizes that a number of professionals in other health-related disciplines are licensed to perform physical and mental examinations and therefore the designation "licensed professional" is substituted for "physician." The new language was adopted to effectuate the objectives of the rule with minimal judicial involvement. The requirement of "good cause" was therefore eliminated as grounds for seeking an examination.

Timing is the critical consideration. Examining professionals under the rule fall within the classification of opinion witnesses under Supreme Court Rule 213(g) as opposed to consultants under Supreme Court Rule 201(b)(3). Consequently, the rule has been amended to require that the examination be scheduled in order that the report contemplated by subsection (c) is provided in accordance with the deadlines imposed by Supreme Court Rule 218(c). In addition, the failure to provide the attorney for the party who was examined with a copy of the examiner's report within the 21-day period specified by paragraph (c) will result in exclusion of the examiner's testimony, opinions, and the results of any tests or X-rays that were performed.

Supreme Court Rule 215 is the compilation of rules previously and independently suggested by the Illinois Judicial Conference Committee on Discovery Procedures and the Supreme Court Rules Committee. The new rule allows for physical and mental examinations of "licensed professionals" and not merely physicians. The contemplated circumstances include sociologists, psychologists or other licensed professionals in juvenile, domestic relations and child custody cases. The Committee feels that this will aid not only in the previously designated cases but in other circumstances where it may become necessary for such a "professional" to be utilized. In particular, smaller counties have had difficulty in finding psychiatrists because of their limited number and lack of availability. This rule should help to alleviate this problem. The requirement of "good cause" for seeking such an examination was eliminated from the rule. In addition, the reference to the Illinois State Medical Society has been stricken, and the Administrative Office of the Illinois Courts has been substituted in its place.

Amended Rule 224

Rule 224. Discovery Before Suit to Identify Responsible Persons and Entities

(a) Procedure.

(1) Petition.

(i) A person or entity who wishes to engage in discovery for the sole purpose of ascertaining the identity of one who may be responsible in damages may file an independent action for such discovery.

(ii) The action for discovery shall be initiated by the filing of a verified petition in the circuit court of the county in which the action or proceeding might be brought or in which one or more of the persons or entities from whom discovery is sought resides. The petition shall be brought in the name of the petitioner and shall name as respondents the persons or entities from whom discovery is sought and shall set forth: (A) the reason the proposed discovery is necessary and (B) the nature of the discovery sought and shall ask for an order authorizing the petitioner to obtain such discovery. The order allowing the petition will limit discovery to the identification of responsible persons and entities and where a deposition is sought will specify the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify each person and the time and place of the deposition.

(2) *Summons and Service.* The petitioner shall serve upon the respondent or respondents a copy of the petition together with a summons that is prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix. ~~in a form substantially as follows:~~

In the Circuit Court of the _____ Judicial Circuit
_____ County, Illinois (Or, In the Circuit Court of Cook County, Illinois)

~~A.B., C.D. et al.~~

~~(naming all petitioners),~~

~~_____ Petitioners,~~

~~_____ v. _____ No. _____~~

~~H.J., K.L. et al.~~

~~(naming all respondents),~~

~~_____ Respondents.~~

~~SUMMONS FOR DISCOVERY~~

~~TO EACH RESPONDENT:~~

~~You are hereby notified that on _____, 20____, a petition, a copy of which is attached, was filed in the above court seeking an order of discovery. Pursuant to law a hearing~~

~~will be held to determine whether such an order shall be entered in this case. If you wish to contest the entry of such order, you must appear at this hearing at _____, at _____ o'clock _____ M., on _____, _____, 20____.~~

Clerk of the Circuit Court

~~Unless a shorter period is fixed by the court, the summons shall be served at least 14 days before the date of hearing, in the manner provided for service of summons in other civil cases. If service cannot with due diligence be made upon the respondent(s), the court may by order provide for service by publication or otherwise.~~

(b) Expiration and Sanctions. Unless extended for good cause, the order automatically expires 60 days after issuance. The sanctions available under Supreme Court Rule 219 may be utilized by a party initiating an action for discovery under this rule or by a respondent who is the subject of discovery under this rule.

(c) Expenses of Complying. The reasonable expenses of complying with the requirements of the Order of Discovery shall be borne by the person or entity seeking the discovery.

Adopted June 19, 1989, effective August 1, 1989; amended May 30, 2008, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(August 1, 1989)

New Rule 224 was adopted effective August 1, 1989. This rule provides a tool by which a person or entity may, with leave of court, compel limited discovery before filing a lawsuit in an effort to determine the identity of one who may be liable in damages. The rule is not intended to modify in any way any other rights secured or responsibilities imposed by law. It provides a mechanism for plaintiffs to ascertain the identity of potential defendants in a variety of civil cases, including Structural Work Act, products liability, malpractice and negligence claims. The rule will be of particular benefit in industrial accident cases where the parties responsible may be known to the plaintiff's employer, which may immunize itself from suit. The rule facilitates the identification of potential defendants through discovery depositions or through any of the other discovery tools set forth in Rules 201 through 214. The order allowing the petition will limit discovery to the identification of responsible persons and entities. Therefore, Supreme Court Rule 215, dealing with mental and physical exams, and Supreme Court Rule 216, dealing with requests to admit, are not included as means of discovery under this rule.

Amended Rule 271

Rule 271. Orders on Motions

When the court rules upon a motion other than in the course of trial, the attorney for the

prevailing party shall prepare and present to the court the order or judgment to be entered, unless the court directs otherwise. Orders and judgments may be prepared, presented, and signed electronically, if permitted by the Supreme Court.

Amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

This is a revision of Rule 7.1 of the Uniform Rules for the Circuit Courts of Illinois.

Amended Rule 272

Rule 272. When Judgment is Entered

If at the time of announcing final judgment the judge requires the submission of a form of written judgment to be signed by the judge or if a circuit court rule requires the prevailing party to submit a draft order, the clerk shall make a notation to that effect and the judgment becomes final only when the signed judgment is filed. If no such signed written judgment is to be filed, the judge or clerk shall forthwith make a notation of judgment and enter the judgment of record promptly, and the judgment is entered at the time it is entered of record. Orders and judgments may be prepared, presented, and signed electronically, if permitted by the Supreme Court.

Amended October 25, 1990, effective November 1, 1990; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Amended Rule 282

Rule 282. Commencement of Action-Representation of Corporations

(a) Commencement of Actions. An action on a small claim may be commenced by paying to the clerk of the court the required filing fee and filing a short and simple complaint setting forth (1) plaintiff's name, residence address, e-mail address (required for attorneys only), and telephone number, (2) defendant's name and place of residence, or place of business or regular employment, and (3) the nature and amount of the plaintiff's claim, giving dates and other relevant information. If the claim is based upon a written instrument, a copy thereof or of so much of it as is relevant must be copied in or attached to the original and all copies of the complaint, unless the plaintiff attaches to the complaint an affidavit stating facts showing that the instrument is unavailable to him.

(b) Representation of Corporations. No corporation may appear as claimant, assignee, subrogee or counterclaimant in a small claims proceeding, unless represented by counsel. When the amount claimed does not exceed the jurisdictional limit for small claims, a corporation may defend as defendant any small claims proceeding in any court of this State through any officer, director, manager, department manager or supervisor of the corporation, as though such corporation were appearing in its proper person. For the purposes of this rule, the term "officer" means the president, vice-president, registered agent or other person vested with the responsibility of managing the affairs of the corporation.

Amended June 12, 1987, effective August 1, 1987; amended May 20, 1997, effective July 1, 1997; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Amended Rule 284

Rule 284. Service by Certified or Registered Mail

Unless otherwise provided by circuit court rule, at the request of the plaintiff and in lieu of personal service, service in small claims may be made within the state as follows:

(a) For each defendant to be served the plaintiff shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and ~~file furnish to the clerk an original and one copy of a summons containing an affidavit setting forth the defendant's last known mailing address, and a copy of the complaint in addition to the original. The original summons shall be retained by the clerk.~~

(b) The clerk forthwith shall mail to the defendant, at the address appearing in the affidavit, the copy of the summons and complaint, certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. United States Postal Service electronic return receipt may be utilized in lieu of paper receipts. The summons and complaint shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall include be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, and the date of mailing, and shall be filed by the clerk. attached to the original summons.

(c) The return receipt, when returned to the clerk, shall be filed by the clerk. attached to the original summons, and, if it ~~If the receipt shows delivery at least 3 days before the day for appearance, the receipt shall constitute proof of service.~~

(d) The clerk shall note the fact of service in a permanent record.

Amended October 1, 1976, effective November 15, 1976; amended September 29, 1978, effective November 1, 1978; amended February 15, 1979, effective March 1, 1979; amended July 1, 1985, effective August 1, 1985; amended November 21, 1988, effective January 1, 1989; amended April 11, 2001, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(Revised July 1, 1985)

This is paragraphs D(1), (2), (3), and (4) of former Rule 9-1, effective January 1, 1964. Paragraph (b) was amended in 1978 to require mailing by certified or registered mail, "restricted delivery, return receipt requested, showing to whom, date and address of delivery." Prior to 1978, this subparagraph required that process be mailed "certified mail, return receipt requested." In this respect it differed from Rules 105, 204, and 237, which required mailing "addressee only." In 1978, this class of delivery having been discontinued by the Postal Service, Rules 105, 204, and 237 were amended to require mailing "restricted delivery, return receipt requested, showing to whom, date and address of delivery," the most restricted delivery provided for in current postal regulations. At the same time Rule 284(b) was amended to require the same

class delivery, thus making the requirement uniform. See Committee Comment to Rule 105.

The amendment effective August 1, 1985, changed the fee for mailing from \$3 to \$2 plus the cost of mailing. This amendment insulates the rule from further change by making the “cost of mailing” an element of the fee charged by the clerk.

Amended Rule 291

Rule 291. Proceedings Under the Administrative Review Law

(a) Form of Summons. The summons in proceedings under the Administrative Review Law shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix, ~~drawn in substantially the following form:~~

In the Circuit Court of the _____ Judicial Circuit

_____ County, Illinois

(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., etc. (naming all plaintiffs),

Plaintiffs,

_____ v. _____ No. _____

First the Agency appealed from, and

_____ the defendants, and parties not

_____ appealing,

_____ Defendants.

To each of the above-named defendants:

— You are hereby summoned and required to file an answer in this case or otherwise file your appearance in the office of the clerk of this court within 35 days after the date of this summons.

— This summons is served upon you by registered or certified mail pursuant to the provisions of the Administrative Review Law.

Witness _____, 20 ____

(Seal of Court) _____

Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney) _____

Address _____

Telephone No. _____

Faeximile Telephone No. _____

E-Mail Address _____

~~(If service by faeximile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's faeximile machine is additionally required.)~~

(b) Service. The clerk shall promptly serve each defendant by mailing a copy of the summons by registered or certified mail as provided in the Administrative Review Law. Not later than 5 days after the mailing of copies of the summons, the clerk shall file a certificate showing that ~~he served~~ the defendants were served by registered or certified mail pursuant to the provisions of the Administrative Review Law.

(c) Appearance. The defendant shall appear not later than 35 days after the date the summons bears.

(d) Other Rules Applicable. Rules 181(b), 182(b), 183, and 184 shall apply to proceedings under the Administrative Review Law.

(e) Record on Appeal. The ~~original copy of the answer~~ of the administrative agency, consisting of the record of proceedings (including the evidence and exhibits, if any) had before the administrative agency, shall be incorporated in the record on appeal unless the parties stipulate to less, or the trial court after notice and hearing, or the reviewing court, orders less.

Amended July 30, 1979, effective October 15, 1979; amended May 28, 1982, effective July 1, 1982; amended April 27, 1984, effective July 1, 1984; amended October 30, 1992, effective November 15, 1992; amended May 30, 2008, effective immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(Revised April 27, 1984)

As originally adopted, Rule 291 carried forward the provisions of former Rule 71 without substantial change. Paragraphs (a) through (d) remain as originally adopted. In 1979, paragraph (e) was amended in four respects. First, language was added to make it clear that the exhibits, as well as any other "evidence," constitute a part of the record of proceedings had before the administrative agency. Second, it was provided that the parties may stipulate for inclusion in the record on appeal of less than the full record of proceedings. Third, it was provided that, if the trial court orders less, it must do so after notice and hearing. Fourth, it was provided that the reviewing court, without notice and hearing, may order less.

Section 3-105 of the Code of Civil Procedure was amended, effective July 13, 1982, and, in 1984, paragraph (b) of this rule was amended to allow service of summons by certified mail, as well as registered mail.

Amended Rule 292

Rule 292. Form of Summons in Proceedings to Review Orders of the Illinois Workers' Compensation Commission

Upon the filing of a written request to commence a proceeding to review an order of the Illinois Workers' Compensation Commission under either the Workers' Compensation Act, approved July 9, 1951, as amended, or the Workers' Occupational Diseases Act, approved July 9, 1951, as amended, the clerk of the circuit court shall issue a summons by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix. ~~in substantially the following form to the Commission and all other parties in interest:~~

In the Circuit Court of the _____ Judicial Circuit,

_____ County, Illinois.

(Or, In the Circuit Court of Cook County, Illinois.)

_____,

_____ Petitioner,

v. _____ No. _____

The

Illinois Workers' Compensation Commission

and _____

_____,

_____ Respondents.

SUMMONS

To each respondent:

~~— You are hereby summoned and required to file your appearance on or before _____, 20____, in the above entitled proceeding, in the office of the clerk of this court; and the Illinois Workers' Compensation Commission shall, on or before _____, 20____, certify and file, in the above entitled proceeding, in the office of the clerk of this court, a transcript of the proceedings had before the Commission, in Illinois Workers' Compensation Commission No. _____, in which a decision or award was rendered on _____, 20____, by the Illinois Workers' Compensation Commission for _____ and against _____.~~

Witness _____, 20____

(Seal of Court)

Clerk of the Circuit Court

Name _____

Attorney for _____
Address _____
Telephone No. _____

Note: Pursuant to law, proceedings for judicial review shall be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of such court upon written request, returnable on a designated return day, not less than 10 nor more than 60 days from the date of issuance thereof.

On _____, 20____, in accordance with law, I mailed a copy of this summons, postage prepaid, to the office of the Illinois Workers' Compensation Commission and to the following parties in interest or their attorney or attorneys of record:

Respondent _____

Address _____

Dated _____, 20____

Clerk of Court

Adopted April 27, 1984, effective July 1, 1984; amended October 9, 1984, effective November 1, 1984; amended October 15, 2004, effective January 1, 2005; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

Rule 292 was adopted in 1984 in order to insure uniform adherence to the requirements of Public Act 83-360 and Public Act 83-361, which make summons, rather than writ of *certiorari*, the proper device for the commencement of review of Industrial Commission orders. The proceedings must be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of the circuit court upon written request, returnable on a designated return day, not less than 10 nor more than 60 days from the date of issuance of the summons.

Amended Rule 298

Rule 298. Application for Waiver of Court Fees

(a) **Contents.** An Application for Waiver of Court Fees in a civil action pursuant to 735 ILCS 5/5-105 shall be in writing and signed by the applicant or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts.

(1) The contents of the Application must be sufficient to allow a court to determine whether an applicant qualifies for waiver of fees pursuant to 735 ILCS 5/5-105, and shall include information regarding the applicant's household composition; receipt of need-based public benefits; income; expenses; and nonexempt assets.

(2) Applicants shall use the ~~The court shall provide and applicants shall be required to~~

~~use a standardized form expressly titled “Application for Waiver of Court Fees” adopted by the Illinois Supreme Court Access to Justice Commission, which can be found in the Article II Forms Appendix.~~

(b) **Ruling.** The court shall either enter a ruling on the Application or shall set the Application for a hearing requiring the applicant to personally appear in a timely manner. The court may order the applicant to produce copies of certain documents in support of the Application at the hearing. The court’s ruling on an Application for Waiver of Court Fees shall be made according to standards set forth in 735 ILCS 5/5-105. If the Application is denied, the court shall enter an order to that effect stating the specific reason for the denial. If the Application is granted, the court shall enter an order permitting the applicant to sue or defend without payment of fees, costs or charges.

(c) **Filing.** No fee may be charged for filing an Application for Waiver of Court Fees. The clerk must allow an applicant to file an Application for Waiver of Court Fees in the court where his case will be heard.

(d) **Cases involving representation by civil legal services provider or lawyer in court-sponsored pro bono program.** In any case where a party is represented by a civil legal services provider or attorney in a court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5, ~~the attorney representing that party shall file a certification with the court in the form attached to this rule and that party shall be allowed to sue or defend without payment of fees, costs or charges as defined in 735 ILCS 5/5-105(a)(1) without necessity of an Application under this rule.~~ Instead, the attorney representing the party shall file a certification prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.

~~RULE 298 CERTIFICATION FOR WAIVER OF FEES REPRESENTATION BY CIVIL LEGAL SERVICES PROVIDER OR COURT SPONSORED PRO BONO PROGRAM~~

~~— Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that he/she is an attorney for _____ (name of organization or court program), a civil legal services provider or court sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that _____ (name of organization or court program) has made the determination that _____ (name of party) has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court sponsored pro bono program. As a result, under Supreme Court Rule 298, _____ (name of party) is eligible to sue or defend without payment of fees, costs or charges as defined at 735 ILCS 5/5-105(a)(1).~~

Attorney Certification

Name of Organization or Court Program: _____

Attorney Name _____

Attorney No. _____

Address _____
City, State, Zip _____
Telephone _____

Amended October 20, 2003, effective November 1, 2003; amended September 25, 2014, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

New Article II Forms Appendix

ARTICLE II. RULES ON CIVIL PROCEEDINGS IN THE TRIAL COURT

PART A. PROCESS AND NOTICE

Rule 101. Summons and Original Process-Form and Issuance

(b) Summons Requiring Appearance on Specified Day.

In the Circuit Court of the _____ Judicial Circuit, _____ County,
Illinois
(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*
(naming all plaintiffs),
Plaintiffs,

v.

No. _____
Amount Claimed _____

H.J., K.L. *etc.*,
(naming all defendants),
Defendants

SUMMONS

To each defendant:

You are hereby summoned and required to appear before this court at
_____ at _____ o'clock _____ M., on
_____ 20__, to answer the complaint in this case, a copy of which
is hereto attached. If you fail to do so, a judgment by default may be entered against you
for the relief asked in the complaint.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Witness _____

(Seal of Court)

Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney)

Address _____

Telephone No. _____

Facsimile Telephone No. _____

E-mail Address _____

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Date of service _____, 20__ (to be inserted by officer on copy left with defendant or other person).

NOTICE TO DEFENDANTS

[Here simple and specific instructions, conforming to local practice, shall be set out outlining procedure for appearance and trial of the type of case covered by the summons.]

(2) In any action for forcible detainer or for recovery of possession of tangible personal property, the summons shall be in the same form, but shall require each defendant to appear on a day specified in the summons not less than seven or more than 40 days after the issuance of summons.

(3) If service is to be made under section 2-208 of the Code of Civil Procedure the return day shall be not less than 40 days or more than 60 days after the issuance of summons, and no default shall be taken until the expiration of 30 days after service.

(d) Summons Requiring Appearance Within 30 Days After Service.

In the Circuit Court of the _____ Judicial Circuit, _____ County,
Illinois (Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*
(naming all plaintiffs),
Plaintiffs,

v.

No. _____

H.J., K.L. *etc.*,
(naming all defendants),
Defendants

SUMMONS

To each defendant:

You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Witness _____

(Seal of Court)

Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney)

Address _____

Telephone No. _____
Facsimile Telephone No. _____
E-mail Address _____

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Date of service _____, 20__ (to be inserted by officer on copy left with defendant or other person).

(f) Waiver of Service of Summons.

In the Circuit Court of the _____ Judicial Circuit, _____ County, Illinois (Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.*
(naming all plaintiffs),
Plaintiffs,

v.

No. _____
Amount Claimed _____

H.J., K.L., *etc.*
(naming all defendants),
Defendants

Notice and Acknowledgment of Receipt of Summons and Complaint

NOTICE

To: (Insert the name and address of the person to be served)

The enclosed summons and complaint are served pursuant to section 2-213 of the Code of Civil Procedure.

You must complete the acknowledgment part of this form and return one copy of the completed form to the sender within ____* days.

You must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within ____* days, you (or the party on whose behalf you are being served) may be served a summons and complaint

in any other manner permitted by law.

If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the complaint within ____** days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this notice and acknowledgment of receipt of summons and complaint will have been mailed on _____. (Insert Date)

Signature _____

Date of Signature _____

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above-captioned matter at (inset address).

PRINT or TYPE Name _____

Relationship to Entity/Authority to Receive Service of Process

(Not Applicable if you are the named Defendant or Respondent)

Signature _____

Date of Signature _____

*(To be completed by the person sending the notice.) Date for return of waiver must be at least 30 days from the date on which the request is sent, or 60 days if the defendant is addressed outside the United States.

** (To be completed by the person sending the notice.) Date for answering complaint must be at least 60 days from the date on which the request is sent, or 90 days if the defendant is addressed outside the United States.

Rule 107. Notice of Hearing for an Order of Replevin

(a) Form of Notice.

In the Circuit Court of the _____ Judicial Circuit, _____ County,
Illinois (Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.* (naming all plaintiffs),

Plaintiffs,

v.

H.J., K.L., *etc.* (naming all defendants),

Defendants

No. _____

To each defendant:

You are hereby notified that on _____, 20____, a complaint, a copy of which is attached, was filed in the above court seeking an order of replevin. Pursuant to law a hearing will be held to determine whether such an order shall be entered in this case. If you wish to contest the entry of such order, you must appear at this hearing at _____, at _____ o'clock ____ M., on _____, 20__.

Attorney for the Plaintiff

Address _____

Telephone No. _____

Facsimile Telephone No. _____

E-mail Address _____

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is required.)

Rule 108. Explanation of Rights of Heirs and Legatees When Will Admitted or Denied Probate

(a) Wills Originally Proved.

Form 1

Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a will and an order admitting the will to probate. You are named in the petition as an heir or legatee of the decedent.

Within 42 days after the effective date of the original order of admission, you may file a petition with the court to require proof of the will by testimony of the witnesses to the will in open court or other evidence, as provided in section 6-21 of the Probate Act of 1975 (755 ILCS 5/6-21).

You also have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the will by filing a petition with the court within 6 months after admission of the will to probate.

Form 2

Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a will and an order denying admission of the will to probate. You are named in the petition as an heir or legatee of the decedent.

You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

Form 3

Notice to Heirs and Legatees

Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a will and whose name or address is not stated in the petition to admit the will to probate, that an order was entered by the court on _____, admitting the will to probate.

Within 42 days after the effective date of the original order of admission you may file a petition with the court to require proof of the will by testimony of the witnesses to the will in open court or other evidence, as provided in section 6-21 of the Probate Act of 1975 (755 ILCS 5/6-21).

You also have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the will by filing a petition with the court within 6 months after admission of the will to probate.

Form 4

Notice to Heirs and Legatees

Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a will and whose name or address is not stated in the petition to admit the will to probate, that an order was entered by the court on _____, denying admission of the will to probate.

You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

(b) Foreign Wills Proved by Copy.

Form 1

Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a foreign will and an order admitting the foreign will to probate. You are named in the petition as an heir or legatee of the decedent.

You have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the foreign will by filing a petition with the court within 6 months after admission of the foreign will to probate.

Form 2

Notice to Heirs and Legatees

Attached to this notice are copies of a petition to probate a foreign will and an order denying admission of that foreign will to probate. You are named in the petition as an heir or legatee of the decedent.

You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

Form 3

Notice to Heirs and Legatees

Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a foreign will and whose name or address is not stated in the petition to admit the foreign will to probate, that an order was entered by the court on _____, admitting the foreign will to probate.

You have the right under section 8-1 of the Probate Act of 1975 (755 ILCS 5/8-1) to contest the validity of the foreign will by filing a petition with the court within 6 months after admission of the foreign will to probate.

Form 4

Notice to Heirs and Legatees

Notice is given to _____ (names), who are heirs or legatees in the above proceeding to probate a foreign will and whose name or address is not stated in the petition to admit the foreign will to probate, that an order was entered by the court on _____, denying admission of the foreign will to probate.

You have the right under section 8-2 of the Probate Act of 1975 (755 ILCS 5/8-2) to contest the denial of admission by filing a petition with the court within 6 months after entry of the order of denial.

Rule 110. Explanation of Rights in Independent Administration; Form of Petition to Terminate

Rights of Interested Persons During Independent Administration; Form of Petition to Terminate Administration

A copy of an order is enclosed granting independent administration of decedent's estate. This means that the executor or administrator will not have to obtain court orders or file estate documents in court during probate. The estate will be administered without court supervision, unless an interested person asks the court to become involved.

Under section 28-4 of the Probate Act of 1975 (755 ILCS 5/28-4) any interested person may terminate independent administration at any time by mailing or delivering a petition to terminate to the clerk of the court. However, if there is a will which directs independent

administration, independent administration will be terminated only if the court finds there is good cause to require supervised administration; and if the petitioner is a creditor or nonresiduary legatee, independent administration will be terminated only if the court finds that termination is necessary to protect the petitioner's interest.

A petition in substantially the following form may be used to terminate independent administration:

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

In re Estate of _____, Deceased
(name of decedent)

No. _____

Petition to Terminate Independent Administration

_____, on oath states:

1. On _____, 20__, an order was entered granting independent administration to _____ as independent _____.
(executor) (administrator)

2. I am an interested person in this estate as

(heir) (nonresiduary legatee) (residuary legatee) (creditor) (representative)

*3. The will _____ direct independent administration.
(does) (does not)

4. I request that independent administration be terminated.

(Signature of petitioner)

Signed and sworn to before me
_____, 20__

Notary Public

*Strike if no will.

In addition to the right to terminate independent administration, any interested person may petition the court to hold a hearing and resolve any particular question that may arise during independent administration, even though supervised administration has not been requested (755 ILCS 5/28-5). The independent representative must mail a copy of the estate inventory and final account to each interested person and must send notice to or obtain the approval of each interested person before the estate can be closed (755 ILCS 5/28-6, 28-11). Any interested person has the right to question or object to any item included in or omitted from an inventory or account or to insist on a full court accounting of all receipts and disbursements with prior notice, as required in supervised administration (755 ILCS 5/28-11).

PART B. PLEADINGS AND OTHER DOCUMENTS

Rule 113. Practice and Procedure in Mortgage Foreclosure Cases

(c) Prove-up Affidavits.

Form 1

IN THE CIRCUIT COURT OF THE ____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

_____)	
Plaintiff(s))	
v.)	Case. No. _____
_____)	
Defendant(s))	

AFFIDAVIT OF AMOUNTS DUE AND OWING

I, _____, am a _____ of _____ . I have authority to make this statement on its behalf because _____ (identify whether you are a custodian of records or a person familiar with the business and its mode of operation; if you are a person familiar with the business and its mode of operation, explain how you are familiar with the business and its mode of operation). If called to testify at the trial of this matter, I could competently testify as to the facts contained in this affidavit.

[If the loan was previously serviced by another entity, the affidavit should provide as follows for the most recent transfer of servicing rights: _____ (name of the bank) acquired the servicing rights for the Defendant's loan on _____ (date) from _____ (name of the prior institution). At the time of this transfer, the Defendant's loan was _____ (current, or state the amount by which the loan was in default at the time of the transfer).]

The amount due is based on my review of the following records:

_____. A true and accurate copy of the payment history and any other document I reviewed when making this calculation is attached to this affidavit (this sentence would only be included if applicable).

_____ (name of the bank) uses _____ (name of the computer program/software) to automatically record and track mortgage payments. This type of tracking and accounting program is recognized as standard in the industry. When a mortgage payment is received, the following procedure is used to process and apply the payment, and to create the records I reviewed: _____ (include the source of the information, method and time of preparation of the record to establish that the computer program produces an accurate record). The record is made in the regular course of _____'s (name of bank) business. In the case at bar, the entries reflecting the Defendant's payments were made in accordance with the procedure detailed above, and these entries were made at or near the time that the payment was received. _____ (name of the computer program/software) accurately records mortgage payments when properly operated. In the case at bar, _____ (name of the computer program/software) was properly operated to accurately record the Defendant's mortgage payments.

Based on the foregoing, _____ failed to pay amounts due under the Note, and the amount due and owing as of _____ is:

Principal \$ _____

Interest \$ _____

Pro Rata MIP/PMI \$ _____

Escrow Advance \$ _____

Late Charges \$ _____

NSF Charges \$ _____

Property Maintenance \$ _____

Property Inspections \$ _____

BPO \$ _____

GROSS AMOUNT DUE \$ _____

Less/Plus balance in reserve accounts

\$ _____

NET AMOUNT DUE \$ _____

AFFIANT STATES NOTHING MORE.

BY: _____

Affiant

Subscribed and sworn to before me this

____ day of _____, _____

By _____

Notary Public

State of [_____]

My Commission expires: _____, _____

Personally Known _____ OR Produced Identification _____.

Type of identification produced: _____.

If executed within the boundaries of Illinois, the affidavit may be signed pursuant to section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109) rather than being notarized.

(d) Defaults.

Form 2

IN THE CIRCUIT COURT OF THE ____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

_____))
Plaintiff(s))
v.) Case. No. _____
_____))
Defendant(s))

NOTICE OF ENTRY OF DEFAULT AND JUDGMENT OF FORECLOSURE

To: _____

This notice is to advise you of recent activity in the mortgage foreclosure lawsuit now pending in the Circuit Court. DO NOT IGNORE THIS NOTICE. YOU SHOULD ACT IMMEDIATELY.

The Circuit Court has entered an Order of Default and a Judgment of Foreclosure and Sale against you in your case concerning the property located at [insert address].

You may be entitled to file a Motion to Vacate this order. Any such motion should be filed as soon as possible.

[If applicable] You may redeem the property from foreclosure by paying \$_____, which is the total amount due plus fees and costs, by [insert day].

[If applicable] If you need legal advice, you may contact _____ for free legal advice.

[NAME OF CLERK]
Clerk of the Circuit Court of _____ County
[Contact information]

(g) Special Notice of Surplus Funds.

Form 3

IN THE CIRCUIT COURT OF THE ____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

_____)	
Plaintiff(s))	
v.)	Case. No. _____
_____)	
Defendant(s))	

SPECIAL NOTICE OF SURPLUS FUNDS

To: _____

There is \$_____ remaining after the sale of your property at [insert address of property sold]. You may be entitled to this money.

If you want to obtain this money, you need to:

- (1) Complete the enclosed form.
- (2) Take the completed form to the Clerk of the Circuit Court [insert the information for the Clerk of the Circuit Court in which the case is pending].
- (3) Schedule a date to present the paperwork to the judge.
- (4) Mail a copy of the completed form, at least five business days before the date with the judge, to: [insert service list].

(h) Petition for Turnover of Surplus Funds.

Form 4

IN THE CIRCUIT COURT OF THE ____ JUDICIAL CIRCUIT
 FOR _____ COUNTY, ILLINOIS

_____)	
Plaintiff(s))	
v.)	Case. No. _____
_____)	
Defendant(s))	

NOTICE OF MOTION AND PETITION FOR TURNOVER OF SURPLUS FUNDS

TO: _____

On _____, _____, at _____ a.m./p.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable _____ or any Judge sitting in that Judge's stead, in the courtroom usually occupied by him/her, located at _____, Illinois, and present:

PETITION FOR TURNOVER OF SURPLUS FUNDS
(with Appearance)

Now come(s) _____, and move(s) this Court for entry of an order turning over the surplus proceeds from the foreclosure sale. In support of this Petition, Petitioner(s) state(s) as follows:

- (1) All parties to this proceeding have been given notice of this Petition.
- (2) The subject property was sold at a foreclosure sale for more than the amount owed the mortgage company and the sale was approved by the Court on ____/____/____.
- (3) There is a surplus remaining after all sums are paid in the amount of \$_____.
- (4) Petitioner(s) is/are a party/parties to the foreclosure case and has/have filed an appearance in the case.
- (5) Petitioner's/Petitioners' interest in the property is (select one, and attach any supporting documents): Owner(s)/Mortgagor(s); Judgment Creditor; Lien Holder; Other (please specify):_____.
- (6) If Petitioner(s) is/are not the Mortgagor(s), judgment for the Petitioner(s) has been proved up in the amount of \$_____.
- (7) Pick one:

Petitioner(s) has/have a bankruptcy case pending in Bankruptcy Court and has/have ATTACHED a copy of the order from the Bankruptcy Court allowing receipt of the surplus funds ("Order Authorizing Distribution of Surplus Funds").

Petitioner(s) DOES NOT/DO NOT have a bankruptcy case pending in Bankruptcy Court.

Wherefore, the Petitioner(s), _____, move this Court to turn over to him/her/them the surplus from the foreclosure sale.

I/We, _____, enter my/our appearance(s), *pro se*:

Signature _____

Signature _____

VERIFICATION AND PROOF OF SERVICE

I/We certify under penalty of perjury as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, that I/we have read the foregoing Verified Petition for Turnover of Surplus Funds and the statements set forth therein are true and correct and that I sent a copy of this Appearance and Answer by United States mail to the Plaintiff's attorney and any other parties who have appeared and have not heretofore been found by the Court to be in default, on _____, 20__.

Signature _____

Signature _____

Rule 114. Loss Mitigation Affidavit (c) Form of Affidavit.

Form 1

IN THE CIRCUIT COURT OF THE ____ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

_____)	
Plaintiff(s))	
v.)	Case. No. _____
_____)	
Defendant(s))	

LOSS MITIGATION AFFIDAVIT

I, [name] , hereby state as follows:

(1) I am employed as [job title] of [name] , the mortgagee as defined in section 15-1208 of the Illinois Mortgage Foreclosure Law for the residential mortgage loan that is the subject of the pending foreclosure case, and I am authorized to act on behalf of plaintiff.

(2) With respect to the subject mortgage loan, my employer is the appropriate entity to extend loss mitigation, if any, to the mortgagor(s), as defined in Section 15-1209 of the Illinois Mortgage Foreclosure Law.

(3) I have performed or caused to be performed a review of the records maintained in the ordinary course of the business of my employer relating to the subject mortgage loan, and based upon that review:

(a) The subject mortgage loan is eligible for the following loss mitigation programs ¹ :

(b) For each of the programs listed above in 3(a), the following steps have been taken by the mortgagee to comply with its obligations under such program:

(c) For each of the programs listed above in 3(a), the current status of loss mitigation effort is as follows:

(4) The above is true and accurate to the best of my personal knowledge and based upon my review of the records as set forth above.

Affiant states nothing more.

BY: _____

AFFIANT

Subscribed and sworn to before me this

_____ day of _____, 20____

by _____.

Notary Public

State of [name]

My Commission expires: _____, 20____

Personally Known _____ **OR** Produced Identification _____.

Type of Identification Produced: _____.

¹Identify here all applicable loss mitigation programs including but not limited to those available under the Making Home Affordable Program, the 2012 National Attorney General Settlement, or the FHA, VA, or USDA insured-loan programs. Also identify any “in-house” loss mitigation regularly provided by the mortgagee for a mortgage loan of this type. “Eligible” means the loan is eligible to be considered under such programs because it meets the threshold requirements; eligible does not mean that a loss mitigation alternative to foreclosure is guaranteed.

Rule 138. Personal Identity Information

In the Circuit Court of the _____ Judicial Circuit,

_____ County, Illinois

(Or, In the Circuit Court of Cook County, Illinois)

_____)	
Plaintiff/Petitioner,)	
)	
v.)	Case No. _____
)	
_____)	
Defendant/Respondent)	

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Illinois Supreme Court Rule 138(c), the filer of a document containing personal identity information required by law, ordered by the court, or otherwise necessary to effect disposition of a matter shall, at the time of such filing, include this confidential information form which identifies the personal identity information redacted from such filing pursuant to Rule 138(c), and which will be redacted from future filings to protect the subject personal identity information. **This personal identity information will not be available to the public and this document will be stored in a separate location from the case file.**

Party/Individual Information:

1. Name: _____
Address: _____

Phone: _____
SSN: _____

Other personal identity information as defined in Rule 138(b), to the extent applicable:

2. Name: _____
Address: _____
Phone: _____
SSN: _____

Other personal identity information as defined in Rule 138(b), to the extent applicable:

(Attach additional pages, if necessary.)

**PART E. DISCOVERY, REQUESTS FOR ADMISSION,
AND PRETRIAL PROCEDURE**

Rule 213. Written Interrogatories to Parties

APPENDIX

IN THE SUPREME COURT OF
THE STATE OF ILLINOIS

STANDARD INTERROGATORIES
UNDER SUPREME COURT RULE 213(j)

Under amended Supreme Court Rule 213(j) (eff. January 1, 1996), “[t]he Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of cases.” The committee comments to this rule state, “In an effort to avoid discovery disputes, the practitioner is encouraged to utilize interrogatories approved by the Supreme Court pursuant to paragraph (j) whenever possible.” The following interrogatories are hereby approved pursuant to that amended rule. A party may use one or more interrogatories which are part of a form set of interrogatories. Any such interrogatory so used shall be counted as one interrogatory in determining the total number of interrogatories propounded, regardless of any subparts or multiple inquiries therein. A party may combine form interrogatories with other interrogatories, subject to applicable limitations as to number. A party shall avoid propounding a form interrogatory which has no application to the case.

Counsel should note other provisions of amended Rule 213 that are reflected in these standard interrogatories, and which are applicable to nonstandard interrogatories as well. As the committee comments to amended Rule 213(a) indicate, “[the] prior requirement that the written interrogatories be spaced so as to permit the answering party to answer upon the interrogatory served upon him has been amended to eliminate the spacing requirement, primarily because of the practical and customary way in which interrogatories are answered.” Although the proponent of interrogatories may still use spacing between his or her interrogatories, these standard interrogatories do not.

Also, amended Rule 213(d) retains the requirement that “[w]ithin 28 days after service of the interrogatories upon the party to whom they are directed, the party shall serve a *sworn answer* or an objection to each interrogatory, with proof of service upon all other parties entitled to notice. *** The answering party shall set forth in full each interrogatory being answered immediately preceding the answer.” (Emphasis added.) While the supreme court envisions that parties will continue with the practice of creating a new document in response to interrogatories, and it is the duty of the respondent to interrogatories to attest to the truthfulness of his or her answers, these standard interrogatories include sample attestation clauses.

Finally, under amended Supreme Court Rule 213(i), a party has a duty to seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to that party. The proponent of the interrogatories may wish to include a reminder of this duty in the interrogatories.

Amended Interrogatories Under Rule 213(j)

Medical Malpractice Interrogatories to Defendant Doctor (amended May 30, 2008, eff. immediately)

All Others (amended June 2, 2005, eff. immediately)

Motor Vehicle Interrogatories to Plaintiffs

1. State your full name, as well as your current residence address, date of birth, marital status, driver’s license number and issuing state, and the last four digits of your social security number.
2. State the full name and current residence address of each person who witnessed or claims

to have witnessed the occurrence that is the subject of this suit (hereinafter referred to simply as the occurrence).

3. State the full name and current residence address of each person, not named in interrogatory No. 2 above, who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after the occurrence.

4. As a result of the occurrence, were you made a defendant in any criminal or traffic case? If so, state the court, the caption, the case number, the charge or charges filed against you, whether you pleaded guilty thereto and the final disposition.

5. Describe the personal injuries sustained by you as a result of the occurrence.

6. With regard to your injuries, state:

(a) The name and address of each attending physician and/or health care professional;

(b) The name and address of each consulting physician and/or other health care professional;

(c) The name and address of each person and/or laboratory taking any X ray, MRI and/or other radiological tests of you;

(d) The date or inclusive dates on which each of them rendered you service;

(e) The amounts to date of their respective bills for services; and

(f) From which of them you have written reports.

7. As the result of your personal injuries, were you a patient or outpatient in any hospital and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.

8. As the result of your personal injuries, were you unable to work? If so, state:

(a) The name and address of your employer, if any, at the time of the occurrence, your wage and/or salary, and the name of your supervisor and/or foreperson;

(b) The date or inclusive dates on which you were unable to work;

(c) The amount of wage and/or income loss claimed by you; and

(d) The name and address of your present employer and your wage and/or salary.

9. State any and all other expenses and/or losses you claim as a result of the occurrence. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm and/or company to whom such amounts are owed, whether the expense and/or loss in question has been paid and, if so, by whom it was so paid, and describe the reason and/or purpose for each expense and/or loss.

10. Had you suffered any personal injury or prolonged, serious and/or chronic illness prior to the date of the occurrence? If so, state when and how you were injured and/or ill, where you were injured and/or ill, describe the injuries and/or illness suffered, and state the name and address of each physician, or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.

11. Are you claiming any psychiatric, psychological and/or emotional injuries as a result of this occurrence? If so, state:

(a) The name of any psychiatric, psychological and/or emotional injury claimed, and the

name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury;

(b) Whether you had suffered any psychiatric, psychological and/or emotional injury prior to the date of the occurrence; and

(c) If (b) is in the affirmative, please state when and the nature of any psychiatric, psychological and/or emotional injury, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury.

12. Have you suffered any personal injury or prolonged, serious and/or chronic illness since the date of the occurrence? If so, state when you were injured and/or ill, where and how you were injured and/or ill, describe the injuries and/or the illness suffered, and state the name and address of each physician or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.

13. Have you ever filed any other suits for your own personal injuries? If so, state the nature of the injuries claimed, the courts and the captions in which filed, the years filed, and the titles and docket numbers of the suits.

14. Have you ever filed a claim for and/or received any workers' compensation benefits? If so, state the name and address of the employer against whom you filed for and/or received benefits, the date of the alleged accident or accidents, the description of the alleged accident or accidents, the nature of your injuries claimed and the name of the insurance company, if any, who paid any such benefits.

15. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons and/or vehicles involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address, occupation and employer of the person taking them.

16. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or to the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:

(a) The date or dates of such conversations and/or statements;

(b) The place of such conversations and/or statements;

(c) All persons present for the conversations and/or statements;

(d) The matters and things stated by the person in the conversations and/or statements;

(e) Whether the conversation was oral, written and/or recorded; and

(f) Who has possession of the statement if written and/or recorded.

17. Do you know of any statements made by any person relating to the occurrence? If so, give the name and address of each such witness, the date of the statement, and state whether such statement was written and/or oral.

18. Had you consumed any alcoholic beverage within 12 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it

was consumed, the particular kind and amount of alcoholic beverage so consumed by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the consumption of alcoholic beverages.

19. Have you ever been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.

20. Had you used any drugs or medications within 24 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was used, the particular kind and amount of drug or medication so used by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the use of said drug or medication.

21. Have you received any payment and/or other consideration from any source in compensation for the injuries alleged in your complaint? If your answer is in the affirmative, state:

(a) The amount of such payment and/or other consideration received;

(b) The name of the person, firm, insurance company and/or corporation making such payment or providing other consideration and the reason for the payment and/or other consideration; and

(c) Whether there are any documents evidencing such payment and/or other consideration received.

22. State the name and address of the registered owner of each vehicle involved in the occurrence.

23. Were you the owner and/or driver of the vehicle involved in the occurrence? If so, state whether the vehicle was repaired and, if so, state when, where, by whom, and the cost of the repairs.

24. What was the purpose and/or use for which the vehicle was being operated at the time of the occurrence?

25. State the names and addresses of all persons who have knowledge of the purpose for which the vehicle was being used at the time of the occurrence.

26. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

27. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the occurrence and/or the injuries and damages claimed to have resulted therefrom.

28. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

ATTESTATION

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

_____, being first duly sworn on oath,
deposes and states that he/she is a plaintiff in the above-captioned matter; that he/she
has read the foregoing document, and the answers made herein are true, correct and
complete to the best of his/her knowledge and belief.

SIGNATURE

SUBSCRIBED and SWORN to before me this

_____ day of _____, 19____.

NOTARY PUBLIC

Motor Vehicle Interrogatories to Defendants

1. State the full name of the defendant answering, as well as your current residence address, date of birth, marital status, driver's license number and issuing state, and the last four digits of your social security number, and if different give the full name, as well as the current residence address, date of birth, marital status, driver's license number and issuing state, and the last four digits of the social security number of the individual signing these answers.

2. State the full name and current residence address of each person who witnessed or claims to have witnessed the occurrence that is the subject of this suit.

3. State the full name and current residence address of each person not named in interrogatory No. 2 above who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after the occurrence.

4. As a result of the occurrence, were you made a defendant in any criminal or traffic case? If so, state the court, the caption, the case number, the charge or charges filed against you, whether you pleaded guilty thereto and the final disposition.

5. Were you the owner and/or driver of the vehicle involved in the occurrence? If so, state whether the vehicle was repaired and, if so, state when, where, by whom, and the cost of the repairs.

6. Were you the owner and/or driver of any vehicle involved in the occurrence? If so, state whether you were named or covered under any policy, or policies, of liability insurance effective on the date of the occurrence and, if so, state the name of each such company or companies, the

policy number or numbers, the effective period(s) and the maximum liability limits for each person and each occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.

7. Do you have any information:

(a) That any plaintiff was, within the five years immediately prior to the occurrence, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service;

(b) That any plaintiff has suffered any serious personal injury and/or illness prior to the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;

(c) That any plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;

(d) That any plaintiff has ever filed any other suit for his or her own personal injuries? If so, state the name of each plaintiff so involved and state the court and caption in which filed, the year filed, the title and docket number of the case.

8. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons and/or vehicles involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address and occupation and employer of the person taking them.

9. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:

(a) The date or dates of such conversations and/or statements;

(b) The place of such conversations and/or statements;

(c) All persons present for the conversations and/or statements;

(d) The matters and things stated by the person in the conversations and/or statements;

(e) Whether the conversation was oral, written and/or recorded; and

(f) Who has possession of the statement if written and/or recorded.

10. Do you know of any statements made by any person relating to the occurrence complained of by the plaintiff? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written and/or oral.

11. Had you consumed any alcoholic beverage within 12 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was consumed, the particular kind and amount of alcoholic beverage so consumed by you, and

the names and current residence addresses of all persons known by you to have knowledge concerning the consumption of the alcoholic beverages.

12. Have you ever been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered as a conviction.

13. Had you used any drugs or medications within 24 hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was used, the particular kind and amount of drug or medication so used by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the use of the drug or medication.

14. Were you employed on the date of the occurrence? If so, state the name and address of your employer, and the date of employment and termination, if applicable. If your answer is in the affirmative, state the position, title and nature of your occupational responsibilities with respect to your employment.

15. What was the purpose and/or use for which the vehicle was being operated at the time of the occurrence?

16. State the names and addresses of all persons who have knowledge of the purpose for which the vehicle was being used at the time of the occurrence.

17. State the name and address of the registered owner of each vehicle involved in the occurrence.

18. Have you ever had your driver's license suspended or revoked? If so, state whether it was suspended or revoked, the date it was suspended or revoked, the reason for the suspension or revocation, the period of time for which it was suspended or revoked, and the state that issued the license.

19. Do you have or have you had any restrictions on your driver's license? If so, state the nature of the restrictions.

20. Do you have any medical and/or physical condition which required a physician's report and/or letter of approval in order to drive? If so, state the nature of the medical and/or physical condition, the physician or other health care professional who issued the letter and/or report, and the names and addresses of any physician or other health care professional who treated you for this condition prior to the occurrence.

21. State the name and address of any physician, ophthalmologist, optician or other health care professional who performed any eye examination of you within the last five years and the dates of each such examination.

22. State the name and address of any physician or other health care professional who examined and/or treated you within the last 10 years and the reason for such examination and/or treatment.

23. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

24. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the occurrence and/or of the injuries and

25. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

STATE OF ILLINOIS)
) SS.
COUNTY OF)

_____, being first duly sworn on oath, deposes and states that he/she is a defendant in the above-captioned matter, that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

SUBSCRIBED and SWORN to before me this

_____ day of _____, 19____.

Matrimonial Interrogatories

1. State your full name, current address, date of birth and the last four digits of your social security number.
2. List all employment held by you during the preceding three years and with regard to each employment state:
 - (a) The name and address of each employer;
 - (b) Your position, job title or description;
 - (c) If you had an employment contract;
 - (d) The date on which you commenced your employment and, if applicable, the date and reason for the termination of your employment;
 - (e) Your current gross and net income per pay period;
 - (f) Your gross income as shown on the last W-2 tax and wage statement received by you.

your social security wages as shown on the last W-2 tax and wage statement received by you, and the amounts of all deductions shown thereon; and

(g) All additional benefits or perquisites received from your employment stating the type and value thereof.

3. During the preceding three years, have you had any source of income other than from your employment listed above? If so, with regard to each source of income, state the following:

(a) The source of income, including the type of income and name and address of the source;

(b) The frequency in which you receive income from the source;

(c) The amount of income received by you from the source during the immediately preceding three years; and

(d) The amount of income received by you from the source for each month during the immediately preceding three years.

4. Do you own any interest in real estate? If so, with regard to each such interest state the following:

(a) The size and description of the parcel of real estate, including improvements thereon;

(b) The name, address and interest of each person who has or claims to have an ownership interest in the parcel of real estate;

(c) The date your interest in the parcel of real estate was acquired;

(d) The consideration you transferred or paid for your interest in the parcel of real estate;

(e) Your estimate of the current fair market value of the parcel of real estate and your interest therein; and

(f) The amount of any indebtedness owed on the parcel of real estate and to whom.

5. For the preceding three years, list the names and addresses of all associations, partnerships, corporations, enterprises or entities in which you have an interest or claim any interest, the nature of your interest or claim of interest therein, the amount of percentage of your interest or claim of interest therein, and an estimate of the value of your interest therein.

6. During the preceding three years, have you had any account or investment in any type of financial institution, individually or with another or in the name of another, including checking accounts, savings accounts, certificates of deposit and money market accounts? If so, with regard to each such account or investment, state the following:

(a) The type of account or investment;

(b) The name and address of the financial institution;

(c) The name and address of each person in whose name the account is held; and

(d) Both the high and the low balance of the account or investment, stating the date of the high balance and the date of the low balance.

7. During the preceding three years, have you been the holder of or had access to any safety deposit boxes? If so, state the following:

(a) The name of the bank or institution where such box is located;

(b) The number of each box;

(c) A description of the contents of each box during the immediately preceding three years and as of the date of the answer; and

(d) The name and address of any joint or co-owners of such safety deposit box or any trustees holding the box for your benefit.

8. During the immediately preceding three years, has any person or entity held cash or property on your behalf? If so, state:

(a) The name and address of the person or entity holding the cash or property; and

(b) The type of cash or property held and the value thereof.

9. During the preceding three years, have you owned any stocks, bonds, securities or other investments, including savings bonds? If so, with regard to each such stock, bond, security or investment state:

(a) A description of the stock, bond, security or investment;

(b) The name and address of the entity issuing the stock, bond, security or investment;

(c) The present value of such stock, bond, security or investment;

(d) The date of acquisition of the stock, bond, security or investment;

(e) The cost of the stock, bond, security or investment;

(f) The name and address of any other owner or owners in such stock, bond, security or investment; and

(g) If applicable, the date sold and the amount realized therefrom.

10. Do you own or have any incidents of ownership in any life, annuity or endowment insurance policies? If so, with regard to each such policy state:

(a) The name of the company;

(b) The number of the policy;

(c) The face value of the policy;

(d) The present value of the policy;

(e) The amount of any loan or encumbrance on the policy;

(f) The date of acquisition of the policy; and

(g) With regard to each policy, the beneficiary or beneficiaries.

11. Do you have any right, title, claim or interest in or to a pension plan, retirement plan or profit sharing plan, including, but not limited to, individual retirement accounts, 401(k) plans and deferred compensation plans? If so, with regard to each such plan state:

(a) The name and address of the entity providing the plan;

(b) The date of your initial participation in the plan; and

(c) The amount of funds currently held on your behalf under the plan.

12. Do you have any outstanding indebtedness or financial obligations, including mortgages, promissory notes, or other oral or written contracts? If so, with regard to each obligation state the following:

(a) The name and address of the creditor;

(b) The form of the obligation;

- (c) The date the obligation was initially incurred;
- (d) The amount of the original obligation;
- (e) The purpose or consideration for which the obligation was incurred;
- (f) A description of any security connected with the obligation;
- (g) The rate of interest on the obligation;
- (h) The present unpaid balance of the obligation;
- (i) The dates and amounts of installment payments; and
- (j) The date of maturity of the obligation.

13. Are you owed any money or property? If so, state:

- (a) The name and address of the debtor;
- (b) The form of the obligation;
- (c) The date the obligation was initially incurred;
- (d) The amount of the original obligation;
- (e) The purpose or consideration for which the obligation was incurred;
- (f) The description of any security connected with the obligation;
- (g) The rate of interest on the obligation;
- (h) The present unpaid balance of the obligation;
- (i) The dates and amounts of installment payments; and
- (j) The date of maturity of the obligation.

14. State the year, make and model of each motor or motorized vehicle, motor or mobile home and farm machinery or equipment in which you have an ownership, estate, interest or claim of interest, whether individually or with another, and with regard to each item state:

- (a) The date the item was acquired;
- (b) The consideration paid for the item;
- (c) The name and address of each other person who has a right, title, claim or interest in or to the item;
- (d) The approximate fair market value of the item; and
- (e) The amount of any indebtedness on the item and the name and address of the creditor.

15. Have you purchased or contributed towards the payment for or provided other consideration or improvement with regard to any real estate, motorized vehicle, financial account or securities, or other property, real or personal, on behalf of another person or entity other than your spouse during the preceding three years. If so, with regard to each such transaction state:

- (a) The name and address of the person or entity to whom you contributed;
- (b) The type of contribution made by you;
- (c) The type of property to which the contribution was made;
- (d) The location of the property to which the contribution was made;
- (e) Whether or not there is written evidence of the existence of a loan; and
- (f) A description of the written evidence.

16. During the preceding three years, have you made any gift of cash or property, real or personal, to any person or entity not your spouse? If so, with regard to each such transaction state:

- (a) A description of the gift;
- (b) The value of the gift;
- (c) The date of the gift;
- (d) The name and address of the person or entity receiving the gift;
- (e) Whether or not there is written evidence of the existence of a gift; and
- (f) A description of the written evidence.

17. During the preceding three years, have you made any loans to any person or entity not your spouse and, if so, with regard to each such loan state:

- (a) A description of the loan;
- (b) The value of the loan;
- (c) The date of the loan;
- (d) The name and address of the person or entity receiving the loan;
- (e) Whether or not there is written evidence of the existence of a loan; and
- (f) A description of the written evidence.

18. During the preceding three years, have you sold, transferred, conveyed, encumbered, concealed, damaged or otherwise disposed of any property owned by you and/or your spouse individually or collectively? If so, with regard to each item of property state:

- (a) A description of the property;
- (b) The current location of the property;
- (c) The purpose or reason for the action taken by you with regard to the property;
- (d) The approximate fair market value of the property;
- (e) Whether or not there is written evidence of any such transaction; and
- (f) A description of the written evidence.

19. During the preceding three years, have any appraisals been made with regard to any of the property listed by you under your answers to these interrogatories? If so, state:

- (a) The name and address of the person conducting each such appraisal;
- (b) A description of the property appraised;
- (c) The date of the appraisal; and
- (d) The location of any copies of each such appraisal.

20. During the preceding three years, have you prepared or has anyone prepared for you any financial statements, net worth statements or lists of assets and liabilities pertaining to your property or financial affairs? If so, with regard to each such document state:

- (a) The name and address of the person preparing each such document;
- (b) The type of document prepared;
- (c) The date the document was prepared; and

(d) The location of all copies of each such document.

21. State the name and address of any accountant, tax preparer, bookkeeper and other person, firm or entity who has kept or prepared books, documents and records with regard to your income, property, business or financial affairs during the course of this marriage.

22. List all nonmarital property claimed by you, identifying each item of property as to the type of property, the date received, the basis on which you claim it is nonmarital property, its location, and the present value of the property.

23. List all marital property of this marriage, identifying each item of property as to the type of property, the basis on which you claim it to be marital property, its location, and the present value of the property.

24. What contribution or dissipation has your spouse made to the marital estate, including but not limited to each of the items or property identified in response to interrogatories No. 22 and No. 23 above, citing specifics, if any, for each item of property?

25. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

26. Are you in any manner incapacitated or limited in your ability to earn income at the present time? If so, define and describe such incapacity or limitation, and state when such incapacity or limitation commenced and when it is expected to end.

27. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

ATTESTATION

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

_____, being first duly sworn on oath, deposes and states that he/she is a _____ in the above-captioned matter, that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

SIGNATURE

SUBSCRIBED and SWORN to before me this

_____ day of _____, 19____.

NOTARY PUBLIC

Medical Malpractice Interrogatories to Plaintiff

1. State your full name, as well as your current residence address, the last four digits of your social security number, date and place of birth, and any other name by which you have ever been known.

2. Describe the acts and/or omissions of the defendant(s), *i.e.*, the specific diagnosis, procedure, test, therapy, treatment or other type of healing arts ministrations which you claim caused or contributed to the injuries for which you seek damages and, as to each, state:

(a) The date or dates thereof;

(b) The name and address of each witness;

(c) The names and addresses of all other persons having knowledge thereof and as to each such person the basis for his or her knowledge; and

(d) The location of any and all documents, including without limitation, hospital and medical records reflecting such acts and/or omissions.

3. State the full name, last known address, telephone number, occupation and/or profession, employer or business affiliation, and relationship to you of each person who has or claims to have knowledge that the defendant(s) deviated from any applicable standard of care in relation to you. As to each such person, state:

(a) The nature of such knowledge;

(b) The manner whereby it was acquired;

(c) The date or dates upon which such knowledge was acquired; and

(d) The identity and location of any and all documents reflecting such deviation.

4. Please state the name, address and specialty, if any, of all treating physicians, nurses, medical technicians or other persons practicing the healing arts in any of its branches with whom you or your attorneys have discussed any of the following:

(a) The standard of care owed to you by the defendant(s);

(b) The negligent acts and/or omissions described in your Complaint;

(c) The nature and extent of any injuries suffered by you; and

(d) The relationship between acts and/or omissions on the part of the defendant(s) and such injuries.

5. Do you know of any statements made by any person relating to the care and treatment or the damages alleged in the Complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.

6. State the name, author, publisher, title, and date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to

use as authority or reference in proving any of the allegations set forth in the Complaint.

7. Identify each and every rule, regulation, bylaw, protocol, standard or writing of whatsoever nature by any professional group, association, credentialing body, accrediting authority or governmental agency which you, or your attorney, may use at trial to establish the standard of care owed by the defendant(s), or the breach thereof.

8. Please identify and state the location of any of the following documents relating to the issues in this case which either bear the name, handwriting and/or signature of the defendant(s):

(a) Publications and/or professional literature authored by the defendant(s), including publication source and reference;

(b) Correspondence, records, memoranda or other writings prepared by the defendant(s) regarding your diagnosis, care and treatment, other than medical and hospital records in this case; and

(c) Documents prepared by persons other than you or your attorneys which contain the name of the defendant(s).

9. Describe the personal injuries sustained by you as the result of the negligent act or omissions described in your Complaint.

10. With regard to your injuries, state:

(a) The name and address of each attending physician and/or health care professional;

(b) The name and address of each consulting physician and/or other health care professional;

(c) The name and address of each person and/or laboratory taking any X ray, MRI and/or other radiological tests of you;

(d) The date or inclusive dates on which each of them rendered you service;

(e) The amounts to date of their respective bills for service; and

(f) From which of them you have written reports.

11. As the result of your personal injuries, were you a patient or outpatient in any hospital and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.

12. As the result of your personal injuries, were you unable to work? If so, state:

(a) The name and address of your employer, if any, at the time of the acts and/or omissions described in the Complaint, your wage and/or salary, and the name of your supervisor and/or foreperson;

(b) The date or inclusive dates on which you were unable to work;

(c) The amount of wage and/or income loss claimed by you; and

(d) The name and address of your present employer and your wage and/or salary.

13. State any and all other expenses and/or losses you claim as a result of the acts and/or omissions described in the complaint. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm and/or company to whom such amounts are owed, whether the expense and/or loss in question has been paid and, if so, by whom it was so paid, and describe the reason and/or purpose for each expense and/or loss.

14. Had you suffered any personal injury or prolonged, serious and/or chronic illness within ten (10) years prior to the date of the acts and/or omissions described in your complaint? If so, state when and how you were injured and/or ill, where you were injured and/or ill, describe the injuries and/or illness suffered, and state the name and address of each physician, or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.

For each physician, or other health care professional, hospital and/or clinic identified in the preceding paragraph, state the name and address of each insurance company or other entity (health maintenance organization, governmental public assistance program, *etc.*) which provided to you indemnity, reimbursement or other payment for the medical services received by you and as to each such payor, state the policy number, group number and/or identification number under which you were able to obtain such medical services.

15. Have you suffered any personal injury or prolonged, serious and/or chronic illness since the date of the negligent act or omission alleged in your complaint? If so, state when you were injured and/or ill, where and how you were injured and/or ill, describe the injuries and/or illness suffered, and state the name and address of each physician or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.

16. Have any other suits been filed for your personal injuries preceding the filing of this lawsuit? If so, state the nature of the injuries claimed, the courts and the captions in which filed, the years filed, and the titles and docket numbers of the suits.

17. Have you filed a claim for and/or received workers' compensation benefits? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of the insurance company that paid any such benefits and the case number(s) and jurisdiction(s) where filed.

18. Did defendant(s) or anyone associated with defendant(s) give you information or discuss with you the risks involved in the treatment to be given you? If so, state the date(s) and place(s) such information was given, the name(s) of the person(s) providing such information or engaging you in the discussion, and give a description of the information provided or discussed with you.

19. Are you claiming any psychiatric, psychological and/or emotional injuries as a result of the acts and/or omissions described in the complaint? If so, state:

(a) The name of any psychiatric, psychological and/or emotional injury claimed, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury;

(b) Whether you had suffered any psychiatric, psychological and/or emotional injury prior to the date of the acts and/or omissions described in the complaint; and

(c) If (b) is in the affirmative, please state when and the nature of any psychiatric, psychological and/or emotional injury, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury.

20. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

21. Do you have any photographs, movies and/or videotapes relating to the acts and/or

22. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the care and treatment described in your complaint was provided, or have you overheard any statement made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the care and treatment alleged in the complaint was provided? If so, state:

23. Have you received any payment and/or other consideration from any source in compensation for the injuries alleged in your complaint? If your answer is in the affirmative, state:

24. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

- ## ATTESTATION

-126-

he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

SIGNATURE

SUBSCRIBED and SWORN to before me this

_____ day of _____, 19____.

NOTARY PUBLIC

Medical Malpractice Interrogatories to Defendant Doctor
(Amended May 30, 2008, eff. immediately)

1. State your full name, professional and residence addresses, and attach a current copy of your *curriculum vitae* (CV). In the event you do not have a CV, state in detail your professional qualifications, including your education by identifying schools from which you graduated and the degrees granted and dates thereof, your medical internships and residencies, fellowships and a bibliography of your professional writing(s).
2. State whether you have held any position on a committee or with an administrative body at any hospital. If so, state when you held such position(s) and the duties and responsibilities involved in such position(s).
3. Have you ever been named as a defendant in a lawsuit arising from alleged malpractice or professional negligence? If so, state the court, the caption and the case number for each lawsuit.
4. Since the institution of this action, have you been asked to appear before or attend any meeting of a medical committee or official board of any medical society or other entity for the purpose of discussing this case? If so, state the date(s) of each such meeting and the name and address of the committee, society or other entity conducting each meeting.
5. Have you ever testified in court in a medical malpractice case? If so, state the court, the caption and the case number of each such case, the approximate date of your testimony, whether you testified as a treating physician or expert and whether you testified on your own behalf or on behalf of the defendant or the plaintiff.
6. Has your license to practice medicine ever been suspended or has any disciplinary action ever been taken against you in reference to your license? If so, state the specific disciplinary action taken, the date of the disciplinary action, the reason for the disciplinary action, the period of time for which the disciplinary action was effective and the name and address of the disciplinary entity taking the action.
7. State the exact dates and places on and at which you saw the plaintiff for the purpose of

providing care or treatment.

8. State the name, author, publisher, title, date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to use as authority or reference in defending any of the allegations set forth in the complaint.

9. Were you named or covered under any policy or policies of liability insurance at the time of the care and treatment alleged in the complaint? If so, state for each policy:

- a. The name of the insurance company;
- b. The policy number;
- c. The effective policy period;
- d. The maximum liability limits for each person and each occurrence, including umbrella and excess liability coverage; and
- e. The named insured(s) under the policy.

10. Are you incorporated as a professional corporation? If so, state the legal name of your corporation and the name(s) and address(es) for all shareholders.

11. If you are not incorporated as a professional corporation, state whether you were affiliated with a corporate medical practice or partnership in any manner on the date of the occurrence alleged in the complaint. If so, state the name of the corporate medical practice or partnership, the nature of your affiliation and the dates of your affiliation.

12. Were you at any time an employee, agent, servant, shareholder or partner of [NAME OF HOSPITAL]? If so, state the date(s) and nature of your relationship.

13. State whether there were any policies, procedures, guidelines, rules or protocols for [THE PROCEDURE COMPLAINED OF] that were in effect at [NAME OF THE HOSPITAL WHERE PROCEDURE WAS PERFORMED] at the time of the care and/or treatment alleged in the complaint. If so, state:

- a. Whether such policies, guidelines, rules or protocols are published and by whom;
- b. The effective date of said policies, guidelines, rules or protocols;
- c. Which medical professionals are bound by said policies, guidelines, rules or protocols;
- d. Who is the administrator of any such policies, procedures, guidelines, rules and/or protocols; and
- e. Whether the policies, guidelines, rules or protocols in effect at the time of the occurrence alleged in the complaint have been changed, amended, or altered since the occurrence. If so, state the change(s) and the date(s) of any such change(s).

14. Were any photographs, movies and/or videotapes taken of the plaintiff or of the procedures complained of? If so, state the date(s) on which such photographs, movies and/or videotapes were taken, who is displayed therein, who now has custody of them, and the name, address, occupation and employer of the person taking them.

15. Do you know of any statements made by any person relating to the care and treatment or the damages described in the complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.

16. Do you have any information:

a. That any plaintiff was, within the 10 years immediately prior to the care and treatment described in the complaint, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state the name of each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or health-care professional, the approximate date of such confinement or service and state the reason for such confinement or service.

b. That any plaintiff has suffered any serious personal injury and/or illness within 10 years prior to the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.

c. That any plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.

d. That any other suits have been filed for any plaintiff's personal injuries? If so, state the name of each plaintiff involved, the nature of the injuries claimed, the court(s) and caption(s) in which filed, the year(s) filed, and the title(s) and docket number(s) of the suit(s).

e. That any claim for workers' compensation benefits has been filed for any plaintiff? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of the insurance company that paid any such benefits and the case number(s) and jurisdiction(s) where filed.

17. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the care and treatment described in the complaint was provided, or have you overheard any statement made by any person at any time with regard to the injuries complained of by the plaintiff or the manner in which the care and treatment described in the complaint was provided? If so, state the following:

a. The date or dates of such conversation(s) and/or statement(s);

b. The place of such conversation(s) and/or statements(s);

c. All persons present for the conversation(s) and/or statement(s);

d. The matters and things stated by the person in the conversation(s) and/or statement(s);

e. Whether the conversation(s) was oral, written and/or recorded; and

f. Who has possession of the statement(s) if written and/or recorded.

18. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

19. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

20. List the name and addresses of all persons (other than yourself and persons heretofore listed) who have knowledge of the facts regarding the care and treatment complained of in the complaint filed herein and/or of the injuries claimed to have resulted therefrom.

ATTESTATION

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

_____, being first duly sworn on oath, deposes and states that he/she is a defendant in the above-captioned matter; that he/she has read the foregoing document, and the answers made herein are true, correct and complete to the best of his/her knowledge and belief.

SIGNATURE

SUBSCRIBED and SWORN to before me this

_____ day of _____, 20____.

NOTARY PUBLIC

Medical Malpractice Interrogatories to Defendant Hospital

1. State the full name and address of the person answering and, if different, the full name and address of the individual signing the answers.
2. Do you know of any statements made by any person relating to the care and treatment of the plaintiff or the damages alleged of in the complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.
3. Has the [NAME OF DEFENDANT HOSPITAL] been named as a defendant in a lawsuit arising from alleged malpractice or professional negligence during the 8 year period preceding the filing of this lawsuit? If so, state the court, the caption and the case number for such lawsuit.

4. State whether [NAME OF DEFENDANT HOSPITAL] was named or covered under any policy or policies of medical liability insurance at the time of the care or treatment alleged in the complaint? If so, state for each policy:

- a. The name of the insurance company;
- b. The policy number;
- c. The effective policy period;
- d. The maximum liability limits for each person and each occurrence, including umbrella and excess liability coverage; and
- e. The named insured(s) under each policy.

5. State whether any hearing dealing with mortality or morbidity was held regarding the care and treatment of the plaintiff alleged in the Complaint.

6. State the name, author, publisher, title, date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to use as authority or reference in defending any of the allegations set forth in the Complaint.

7. Identify each and every rule, regulation, bylaw or other document of any hospital, association, licensing authority, accrediting authority or other private body which you, or your attorneys, may use at trial in defense of the allegations contained in the Complaint.

8. State whether there were any policies, procedures, guidelines, rules or protocols for [PROCEDURE COMPLAINED OF] in effect at [DEFENDANT HOSPITAL] at the time of the care and/or treatment of the plaintiff alleged in the Complaint. If so, state:

- a. Whether such policies, procedures, opinions, rules or protocols are published and by whom;
- b. The effective date of said policies, procedures, guidelines, rules or protocols;
- c. Which medical professionals are bound by said policies, procedures, guidelines, rules or protocols;
- d. Who is the administrator of any such policies, procedures, guidelines, rules or protocols; and
- e. Whether the policies, procedures, guidelines, rules or protocols in effect at the time of the occurrence alleged in the Complaint have been changed, amended or altered after the occurrence. If so, state the change(s) and the date(s) of any such change(s).

9. Was [DEFENDANT DOCTOR] an employee, agent, servant, shareholder or partner of [DEFENDANT HOSPITAL] at the time of the care or treatment of the plaintiff alleged in the Complaint? If so, state with specificity the nature of the relationship.

10. State for each person who directly or indirectly was involved in the care or treatment of the plaintiff alleged in the Complaint:

- a. That person's full name and current residence address;
- b. The name and current address of that person's employer;
- c. The employment relationship of that person with [DEFENDANT HOSPITAL];
- d. The date(s) of such person's care or treatment, including a description of the care or treatment; and

e. The name and current address of any other individual present when the care or treatment was rendered.

11. Were any photographs, movies and/or videotapes taken of the plaintiff or of the procedures complained of? If so, state the date(s) on which such photographs, movies and/or videotapes were taken, who is displayed therein, who now has custody of them, and the name, address, occupation and employer of the person taking them.

12. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the care and treatment alleged in the complaint was provided, or have you overheard any statement made by any persons at any time with regard to the injuries complained of by the plaintiff or the manner in which the care and treatment alleged in the complaint was provided? If so, state:

- a. The date or dates of such conversation(s) and/or statements(s);
- b. The place of such conversation(s) and/or statement(s);
- c. All persons present for the conversation(s) and/or statement(s);
- d. The matters and things stated by the person in the conversation(s) and/or statement(s);
- e. Whether the conversation(s) was oral, written and/or recorded; and
- f. Who has possession of the statement(s) if written and/or recorded.

13. Do you have any information:

a. That any plaintiff was, within the 10 years immediately prior to the care and treatment alleged in the complaint, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state the name of each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service.

b. That any plaintiff has suffered any serious personal injury and/or illness within 10 years prior to the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.

c. That any plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.

d. That any other suit has been filed for any plaintiff's personal injuries? If so, state the name of each plaintiff involved, the nature of the injuries claimed, the court(s) and caption(s) in which filed, the year(s) filed, and the title(s) and docket number(s) of the suit(s).

e. That any claim for workers' compensation benefits has been filed for any plaintiff? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of the insurance company that paid any such benefits and the case number(s) and jurisdiction(s) where filed.

14. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and all other information required for each witness.

15. Identify any statements, information and/or documents known to you and requested by

16. List the name and address of all persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the care and treatment complained of in the complaint filed herein and/or of the injuries claimed to have resulted therefrom.

STATE OF ILLINOIS)
)
) SS.
COUNTY OF _____)

SIGNATURE _____

NOTARY PUBLIC

In the Circuit Court of the _____ Judicial Circuit
_____, County, Illinois (Or, In the Circuit Court of Cook County, Illinois)

-133-

v.

No. _____

H.J., K.L. *et al.*

(naming all respondents),

Respondents.

SUMMONS FOR DISCOVERY

TO EACH RESPONDENT:

You are hereby notified that on _____, 20__, a petition, a copy of which is attached, was filed in the above court seeking an order of discovery. Pursuant to law a hearing will be held to determine whether such an order shall be entered in this case. If you wish to contest the entry of such order, you must appear at this hearing at _____, at _____ o'clock ____M., on _____, _____, 20__.

Clerk of the Circuit Court

Unless a shorter period is fixed by the court, the summons shall be served at least 14 days before the date of hearing, in the manner provided for service of summons in other civil cases. If service cannot with due diligence be made upon the respondent(s), the court may by order provide for service by publication or otherwise.

PART J. MISCELLANEOUS

Rule 291. Proceedings Under the Administrative Review Law

In the Circuit Court of the _____ Judicial Circuit

_____ County, Illinois

(Or, In the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.* (naming all plaintiffs),

Plaintiffs,

v.

No. _____

First the Agency appealed from, and
the defendants, and parties not
appealing,

Defendants.

To each of the above-named defendants:

You are hereby summoned and required to file an answer in this case or otherwise file your appearance in the office of the clerk of this court within 35 days after the date of this summons.

This summons is served upon you by registered or certified mail pursuant to the provisions of the Administrative Review Law.

(Seal of Court)

Witness _____, 20 ____

Clerk of Court

Plaintiff's Attorney (or plaintiff, if he is not represented by attorney) _____

Address _____

Telephone No. _____

Facsimile Telephone No. _____

E-Mail Address _____

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Rule 292. Form of Summons in Proceedings to Review Orders of the Illinois Workers' Compensation Commission

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois.

(Or, In the Circuit Court of Cook County, Illinois.)

_____,

Petitioner,

v.

No. _____

The

Illinois Workers' Compensation Commission

and _____

_____,

Respondents.

SUMMONS

To each respondent:

You are hereby summoned and required to file your appearance on or before _____, 20____, in the above entitled proceeding, in the office of the clerk of this court; and the Illinois Workers' Compensation Commission shall, on or before _____, 20____, certify and file, in the above-entitled proceeding, in the office of the clerk of this court, a transcript of the proceedings had before the Commission, in Illinois Workers' Compensation Commission No. _____, in which a decision or award was rendered on _____, 20____, by the Illinois Workers' Compensation Commission for _____ and against _____.

Witness _____, 20____

(Seal of Court)

Clerk of the Circuit Court

Name _____

Attorney for _____

Address _____

Telephone No. _____

Note: Pursuant to law, proceedings for judicial review shall be commenced within 20 days of the receipt of notice of the decision of the Commission. The summons shall be issued by the clerk of such court upon written request, returnable on a designated return day, not less than 10 nor more than 60 days from the date of issuance thereof.

On _____, 20____, in accordance with law, I mailed a copy of this summons, postage prepaid, to the office of the Illinois Workers' Compensation Commission and to the following parties in interest or their attorney or attorneys of record:

Respondent _____

Address _____

Dated _____, 20____

Clerk of Court

Rule 298. Application for Waiver of Court Fees

RULE 298 CERTIFICATION FOR WAIVER OF FEES REPRESENTATION BY CIVIL LEGAL SERVICES PROVIDER OR COURT-SPONSORED PRO BONO PROGRAM

Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that he/she is an attorney for _____ (*name of organization or court program*), a civil

legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that _____ (*name of organization or court program*) has made the determination that _____ (*name of party*) has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 298, _____ (*name of party*) is eligible to sue or defend without payment of fees, costs or charges as defined at 735 ILCS 5/5-105(a)(1).

Attorney Certification

Name of Organization or Court Program: _____

Attorney Name _____

Attorney No. _____

Address _____

City, State, Zip _____

Telephone _____

Application for Waiver of Court Fees

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	APPLICATION FOR WAIVER OF COURT FEES	<i>For Court Use Only</i>
Instructions 6 Enter above the county name where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.	<div style="border-bottom: 1px solid black; margin-bottom: 10px;"> Plaintiff / Petitioner <i>(First, middle, last name)</i> </div> <div style="text-align: center; margin-bottom: 10px;">v.</div> <div style="border-bottom: 1px solid black;"> Defendant / Respondent <i>(First, middle, last name)</i> </div>	<div style="border-bottom: 1px solid black; margin-top: 100px;"> Case Number </div>

In 1a , enter your full name. If you are completing this form on behalf of a minor or an incompetent adult, provide that person's information.
In 1b , only enter the year you were born. DO NOT enter your entire date of birth.
In 1c , enter your complete current address.
In 2a , enter the number of people age 18 and older living in your house who you support. Support means that the people rely on you financially.
In 2b , enter the number of people under age 18 living in your house who you support.
In 3 , check "Yes" if you have received at least 1 of the benefits listed in the past 4 weeks.
If you check "Yes" in 3 , skip 4 and sign the form.

Pursuant to Illinois Supreme Court Rule 298 and 735 ILCS 5/5-105, I state:

1. I am providing the following information about myself:

- a. Name: _____

First
Middle
Last
- b. Year of Birth: _____
- c. Street Address: _____
 City, State, ZIP: _____
- d. I believe I cannot afford to pay the court fees in this case.

2. I am providing the following information about people who live with me:

- a. I support _____ adults *(not counting myself)* who live with me.
- b. I support _____ children under 18 who live with me.

3. I have received 1 or more of the benefits listed below in the past 4 weeks:

- ☐ Yes ☐ No
- Supplemental Security Income (SSI) (Not Social Security)
 - Aid to the Aged, Blind and Disabled (AABD)
 - Temporary Assistance to Needy Families (TANF)
 - State Children & Family Assistance
 - Food Stamps (SNAP)
 - General Assistance (GA)
 - Transitional Assistance

****If you answered "Yes" in section 3, skip section 4 and sign the form.****

In **4a**, check "Yes" if you have applied for at least 1 of the benefits listed in section 3.

In **4b**, check the box for each type of money you have received in the past month. Also enter the gross (before taxes) amount for each type.

Include the money received by the people you support who live with you. Support means that the people rely on you financially.

In **4c**, check the box for each type of money you have received in the past 12 months. For each type, enter the total amount received in the past 12 months before taxes.

Include the money received by the people you support who live with you.

In **4d**, check all of your expenses for the past month and list the monthly amounts. Include the expenses of the people you support who live with you.

4. I checked "No" in section 3, so I am providing the following financial information:

a. I have applied for 1 or more of the benefits listed in section 3:

☐ Yes ☐ No

b. I receive the following money each month. This includes money received by people I support who live with me. *(check all that apply)*

☐ My employment: \$ _____ ☐ Other people's employment: \$ _____

☐ Child support : \$ _____ ☐ Social Security (not SSI): \$ _____

☐ Pension: \$ _____ ☐ Unemployment: \$ _____

☐ Other *(list type and amount)*: _____ \$ _____

☐ No income

Total of all money received: \$ _____

c. I received the following total amount of money in the past 12 months. This includes money received by people I support who live with me. *(check all that apply)*

☐ My employment: \$ _____ ☐ Other people's employment: \$ _____

☐ Child support: \$ _____ ☐ Social Security (not SSI): \$ _____

☐ Pension: \$ _____ ☐ Unemployment: \$ _____

☐ Other *(list type and amount)*: _____ \$ _____

☐ No income

Total of all money received: \$ _____

d. My current monthly expenses are listed below. This includes the monthly expenses of the people I support who live with me. *(check all that apply)*

☐ Rent: \$ _____ per month

☐ Home Mortgage: \$ _____ per month

☐ Other Mortgage: \$ _____ per month

☐ Utilities: \$ _____ per month

☐ Food: \$ _____ per month

☐ Medical: \$ _____ per month

☐ Car Loan: \$ _____ per month

☐ Other *(list type and amount)*: _____ \$ _____ per month

☐ I have no expenses

Total of all expenses: \$ _____

In **4e**, check all of the items owned by you and list the value of each item. Include the items owned by the people you support who live with you.

If you own real estate, include the total you owe on any mortgage.

e. I have the belongings listed below. This includes the belongings of the people I support who live with me. (*check all that apply*)

☐ Bank accounts and cash totaling: \$ _____

☐ Home real estate, worth: \$ _____

The total I owe on my home mortgage is: \$ _____

☐ Other real estate, not including the house I live in, worth: \$ _____

The total I owe on my other mortgage is: \$ _____

☐ 1st vehicle worth: \$ _____ The 1st vehicle is paid off: ☐ Yes ☐ No

☐ 2nd vehicle worth: \$ _____ The 2nd vehicle is paid off: ☐ Yes ☐ No

☐ Other (*list items and value*): _____ \$ _____

☐ None of the above

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

Enter the complete current address and telephone number of the person who filled out this form.

If you are filling out this form for a minor or an incompetent adult, state your relationship.

I certify that everything in the *Application For Waiver Of Court Fees* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Your Signature

Street Address

Print Your Name

City, State, ZIP

Relationship to Minor or Incompetent Adult (if applicable)

Telephone

Amended Rule 501

Rule 501. Definitions

(a) Bond Certificates. Bail security documents which also guarantee payment of judgments for fines, penalties and costs, not to exceed \$140 for any single offense or \$500 for multiple offenses arising out of the same occurrence (auto bond certificates), or not to exceed \$500 for any single offense covered by Rule 526(b)(1) (truck bond certificates), which are issued or guaranteed, in counties other than Cook, by companies or membership associations authorized to do so by the Director of Insurance, State of Illinois, under regulations issued by this court. (Note: Copies of these regulations may be obtained by writing to: Director, Administrative Office of the Illinois Courts, 3101 Old Jacksonville Road, Springfield, IL 62704-6488.) The privilege of issuing bond certificates for use in Cook County shall be governed by rule of the Circuit Court of Cook County. (Note: Copies of the Cook County rule may be obtained by writing to: Office of the Chief Judge, Richard J. Daley Center, Chicago IL 60602.)

(b) Cash or Cash Bail. United States currency; transfer of United States currency by means of credit cards, debit cards, or electronic fund transfer; traveler's checks issued by major banks or express companies which, alone or in combination with currency, total the exact amount required to be deposited as bail; and negotiable drafts on major credit card companies, under conditions approved by the Administrative Director.

(c) Conservation Offense. Any case charging a violation listed below, except any charge punishable upon conviction by imprisonment in the penitentiary:

- (1) The Fish and Aquatic Life Code, as amended (515 ILCS 5/1-1 *et seq.*);
- (2) The Wildlife Code, as amended (520 ILCS 5/1.1 *et seq.*);
- (3) The Boat Registration and Safety Act, as amended (625 ILCS 45/1-1 *et seq.*);
- (4) The Park District Code, as amended (70 ILCS 1205/1-1 *et seq.*);
- (5) The Chicago Park District Act, as amended (70 ILCS 1505/ 0.01 *et seq.*);
- (6) The State Parks Act, as amended (20 ILCS 835/ 0.01 *et seq.*);
- (7) The State Forest Act, as amended (525 ILCS 40/ 0.01 *et seq.*);
- (8) The Forest Fire Protection District Act, as amended (425 ILCS 40/ 0.01 *et seq.*);
- (9) The Snowmobile Registration and Safety Act, as amended (625 ILCS 40/1-1 *et seq.*);
- (10) The Endangered Species Protection Act, as amended (520 ILCS 10/1 *et seq.*);
- (11) The Forest Products Transportation Act, as amended (225 ILCS 740/1 *et seq.*);
- (12) The Timber Buyers Licensing Act, as amended (225 ILCS 735/1 *et seq.*);
- (13) The Downstate Forest Preserve District Act, as amended (70 ILCS 805/ 0.001 *et seq.*);
- (14) The Exotic Weed Act, as amended (525 ILCS 10/1 *et seq.*);
- (15) The Ginseng Harvesting Act, as amended (525 ILCS 20/ 0.01 *et seq.*);
- (16) The Cave Protection Act, as amended (525 ILCS 5/1 *et seq.*);
- (17) Any regulations, proclamations or ordinances adopted pursuant to any code or act named in this Rule 501(c);

(18) Ordinances adopted pursuant to the Counties Code for the acquisition of property for parks or recreational areas (55 ILCS 5/5-1005(18));

(19) The Recreational Trails of Illinois Act, as amended (20 ILCS 862/1 *et seq.*);

(20) The Herptiles-Herps Act, as amended (510 ILCS 68/1-1 *et seq.*).

(d) Driver's License. A current driver's license or temporary visitor's driver's license issued by the Secretary of State of Illinois. However, restricted driving permits, monitoring device driving permits, instruction permits, probationary licenses or temporary licenses issued under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*) shall not be accepted in lieu of or in addition to bail amounts established in Rule 526.

(e) Unit of Local Government. Any county, municipality, township, special district, or unit designated as a unit of local government by law.

(f) Traffic Offense. Any case which charges a violation of any statute, ordinance or regulation relating to the operation or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, including cases charging violations under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*), but excluding cases in which a ticket was served by "tie-on," "hang-on," or "appended" methods and cases charging violations of:

(1) Section 9-3(b) of the Criminal Code of 1961, as amended (reckless homicide) (720 ILCS 5/9-3(b));

(2) Section 12-5 of the Criminal Code of 1961, as amended (reckless conduct) (720 ILCS 5/12-5);

(3) Article I of chapter 4 of the Illinois Vehicle Code, as amended (anti-theft laws) (625 ILCS 5/4-100 *et seq.*);

(4) Any charge punishable upon conviction by imprisonment in the penitentiary;

(5) "Jay walking" ordinances of any unit of local government;

(6) Any conservation offense (see Rule 501(c)).

(g) Promise to Comply. An option available to Illinois residents and residents of other member jurisdictions of the Nonresident Violator Compact of 1977 (625 ILCS 5/6-800 *et seq.*) to obtain release from custody without bail following arrests on view for minor traffic offenses (see 625 ILCS 5/6-306.4(a) or 6-308(a)) by signing a written promise to comply with the terms of the Uniform Citation and Complaint (625 ILCS 5/6-306.4 or 6-308). Court-approved electronic signatures are allowed. Residents of Illinois not charged with a petty traffic violation, and nonresidents charged with traffic offenses specified in section 6-306.4(b) of the Illinois Vehicle Code, as amended (625 ILCS 6-306.4(b)), shall not be released on a promise to comply, but must post bail or secure release in accordance with these rules.

(h) Individual Bond. Bonds authorized without security for persons arrested for or charged with offenses covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules (see Rule 553(d)).

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987,

effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended June 11, 2014, eff. July 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015; amended Oct. 15, 2015, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Amended Rule 503

Rule 503. Multiple Charges under These Rules

(a) Amount of Bail-Hearing Date. Police officers should refrain from issuing multiple citations for offenses arising out of the same occurrence. A person arrested and charged with more than one offense arising out of the same occurrence when the bail is established for each such offense under Rule 526, 527 or 528 shall be released from custody as follows:

(1) If bail for each such offense is established by Rule 526, and the accused is eligible for release on each charge by a promise to comply pursuant to section 6-306.4 or 6-308 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-306.4 or 6-308), he or she may elect to be released by executing the written promise on ~~the each~~ complaint copy; no a-court appearance shall be required if all such charges are simultaneously satisfied under Rule 529. ~~on each charge.~~

(2) In all other cases, the accused shall be released from custody after posting bail on the charge for which the highest bail is required, and, except as provided below, a court appearance shall be required on each charge. Whether a court appearance will be required for any other offenses charged at the same time as an offense requiring bail under Rule 526(b)(1) will be determined without regard to such truck violations. A separate bail shall be required for each case involving truck violations under Rule 526(b)(1) or similar municipal ordinances, and all such charges may be satisfied without a court appearance under Rule 529.

(3) No court appearance shall be required under this rule where all charges are traffic and conservation offenses which may be satisfied without a court appearance under Rule 529 and the accused elects to post separate cash bail on each such charge.

(4) No court appearance shall be required under this rule where all charges are traffic offenses which may be satisfied without a court appearance under Rule 529, the separate bails required for all such charges do not exceed \$500, and the accused has deposited an approved bond certificate in lieu of bail; in such event, if the accused does not appear on the date set for appearance, or any date to which the case(s) may be continued, it shall be presumed he has elected to post separate bails and consented to the entry of *ex parte* judgment on each such charge (see Rule 556(b)).

All such charges, whenever practicable, should be set for hearing on the same day in the same court, to be disposed of at the same time (see Rule 501(b) for definition of “Cash Bail”).

(b) New Bail—Application of Bail and Return of Balance. After final disposition of a charge for which bail was posted, the court shall set new bail in a single amount to cover any concurrent charges which may be continued for further hearing at a future date. The clerk may apply any cash or security originally posted as bail to payment of any fine, penalties and costs

due on the charge for which bail was originally posted or any other charge disposed of at the same time, but shall return any remaining balance to the accused and shall not retain the balance to apply, in whole or in part, to any new bail set by the court, without the consent of the accused.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended December 30, 2014, eff. Jan. 1, 2015; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Amended Article V, Part B Description

PART B. BAIL SCHEDULES

NOTE: The bail provisions of Rules 526, 527, and 528 do not apply to arrests on warrant. Bail is preset to avoid undue delay in freeing certain persons accused of an offense when, because of the hour or the circumstances, it is not practicable to bring the accused before a judge. When the accused is actually brought before a judge, the bail amounts specified in these rules do not control. Nothing in these rules is intended to limit a peace officer's discretion to issue a Notice to Appear in an appropriate case (725 ILCS 5/107-12).

Amended Rule 529

Rule 529. Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses

(a) Traffic Offenses. All traffic offenses, except those requiring a court appearance under Rule 551 and those involving offenses set out in Rule 526(b)(1), may be satisfied without a court appearance by a written plea of guilty, ~~with the exception of including~~ including electronic pleas ~~as unless~~ authorized by the Supreme Court, and payment of fines, penalties and costs, equal to the bail required by Rule 526 unless an order of failure to appear to answer the charge has been entered pursuant to Rule 556(a), in which case the fine, penalties and costs shall be equal to the amount of the required bail, plus an additional penalty of \$35. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) shall be distributed as follows:

- (1) 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case;
- (2) 16.825% shall be disbursed to the State Treasurer; and
- (3) 38.675% shall be disbursed to the county's general corporate fund.

No other fines, fees, penalties or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under paragraph (a) of Rule 529. A charge of violating section 3-401(d), 15-111 or offenses punishable by fine pursuant to sections 15-113.1, 15-113.2 or 15-113.3 of the Illinois Vehicle Code (truck overweight and permit moves) (625

ILCS 5/15-111, 15-113.1 through 15-113.3), or similar municipal ordinances, may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine fixed by statute, plus all applicable penalties and costs (see Rule 526(b)(1)). Fines, penalties, and costs shall be disbursed by the clerk pursuant to statute.

(b) Conservation Offenses. Conservation offenses for which \$120 cash bail is required under Rule 527 may be satisfied without a court appearance by a written plea of guilty, ~~with the exception of including~~ electronic pleas ~~as unless~~ authorized by the Supreme Court, and payment of fines, penalties and costs, equal to the cash bail required by Rule 527. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) shall be distributed as follows:

(1) 67% shall be disbursed to the entity authorized by law to receive the fine imposed in the case;

(2) 16.825% shall be disbursed to the State Treasurer; and

(3) 16.175% shall be disbursed to the county's general corporate fund.

No other fines, fees, penalties or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under paragraph (b) of this Rule 529.

(c) Supervision on Written Pleas of Guilty. In counties designated by the Conference of Chief Circuit Judges, the circuit court may by rule or order authorize the entry of an order of supervision under section 5-6-3.1 of the Unified Code of Corrections (730 ILCS 5/5-6-3.1), for traffic offenses satisfied pursuant to paragraph (a) of this Rule 529. Such circuit court rule or order may include but does not require a program by which the accused, upon payment of the fines, penalties and costs equal to bail required by Rule 526, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. A traffic safety program provider may be authorized to file a certificate of completion on behalf of the accused; however, it is the responsibility of the accused to ensure that the certificate is timely filed. Any county designated by the Conference pursuant to this rule may opt-out of this rule upon notification to the Conference by the chief judge of the circuit and rescinding any rule or order entered to establish supervision on written pleas of guilty.

(d) The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases where a defendant enters a guilty plea under this rule. The clerk of the circuit court shall disburse fines, penalties, and costs as provided for in paragraph (a) of this Rule 529.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended September 20, 1979, effective October 15, 1979; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 20, 1991, effective January 1, 1992; amended June 12, 1992, effective July 1, 1992; amended January 20, 1993, effective immediately; amended May 24, 1995, effective January 1, 1996; amended April 1, 1998, effective immediately; amended March 16, 2001, effective immediately; amended December 5, 2003, effective January 1, 2004; amended August 6, 2010, effective September 15, 2010; amended

December 7, 2011, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments
(December 5, 2003)

Under present Supreme Court Rule 529 (Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses), cash bail is distributed on pleas of guilty, where a court appearance is not required, by deducting applicable costs, including clerk's fees (705 ILCS 105/27/1a, 27.2 or 27.2a, as the case may be), Automation Fee (705 ILCS 105/27.3a), Document Storage Fee (705 ILCS 105/27.3c) and Fee to Finance the Court System (55 ILCS 5/5-110). The balance is then distributed by the clerk to the Traffic and Criminal Conviction Surcharge (TCCS) and LEADS Maintenance Fund (730 ILCS 5/5-9-1(c)), Driver's Education Fund (Driver's Ed) (625 ILCS 5/16-104a), Violent Crime Assistance Fund (VCVA) (725 ILCS 240/10(b)) (VCVA is not assessed in speeding violation cases), Trauma Center Fund (625 ILCS 5/16-104(b)), if applicable, and the entity entitled to receive the fine.

The proposed amendments to Rules 529(a) and 529(b) would exclude electronic pleas and eliminate itemized distribution by the clerk of the funds noted above and, instead, after first deducting the Automation Fee and Document Storage Fee, distribute the bail for traffic offenses along the present line of section 27.6 of the Clerk's of Court Act (705 ILCS 105/27.6) in the following percentages: 44.5% to the entity entitled to receive the fine, 38.675% to the county's general fund, and 16.825% to the state Treasurer. Under Rule 529(b), since conservation offenses are not included under section 27.6, bail would be distributed as follows: 67% to the entity entitled to receive the fine, 16.175% to the county's general fund, and 16.825% to the state Treasurer, which is similar to the current disbursement of these amounts.

The \$5 Fee to Finance the Court System (55 ILCS 5/5-1101) is distributed to the county's general fund under the present rule on an itemized basis, and would be included in the 38.675% disbursed to the county's general fund under proposed amended Rule 529(a).

The Court Security Fee (55 ILCS 5/5-1103) is not included either in present Rule 529, or the proposed amendment, since the statute requires a court appearance by the violator before the assessment of this fee.

By way of background, the percentage distribution formula under 705 ILCS 105/27.6 became effective on January 1, 1993, and has been adopted for the assessment of fines, fees, costs and forfeitures in 10 counties throughout the state, including Cook County, for violations of the Vehicle Code.

Supreme Court Rule 526 (Bail Schedules-Traffic Offenses), Rule 527 (Bail Schedule-Conservation Offenses) and Rule 529 (Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses), among others, were amended on June 12, 1992, effective July 1, 1992, increasing bail in minor traffic cases from \$50 to \$75 and from \$75 to \$95 since the amount of fines received by the municipalities was being reduced by legislative "add-ons."

The committee does not believe Supreme Court Rule 529, in its present form, provides adequate direction to the circuit clerks in the distribution of funds under this rule. For instance, a problem arises in the calculation of the TCCS/LEADS Fund which requires the court to assess an additional penalty of \$5 for each \$40, or fraction thereof, of fine imposed, and the Driver's Ed

Fund and VCVA, which requires the court to assess an additional penalty of \$4 for each \$40, or fraction thereof, of fine imposed. This, by necessity, involves the use of a multiplier. To arrive at the multiplier, the clerk must divide the fine by 40 when a fine plus costs is assessed, or follow the method prescribed under 730 ILCS 5/5-9-1(c) (TCCS/LEADS Maintenance Fund), 725 ILCS 240/10(b) (VCVA) and 625 ILCS 5/16-104a (Driver's Ed) when the court levies "a gross amount for fine, costs, fees and penalties." The committee concluded that an assessment under Rule 529 was not a "levy of a gross amount."

Under the current rule, the fine is represented as the "balance of the bail," and is the amount remaining after deducting various costs and fees. Therefore, since the court has not assessed a specific fine, the clerk has no exact amount to divide by 40 and is left to reach his or her own conclusion as the correct multiplier. In certain instances if the clerk computes these additional penalties with a multiplier of 1, it results in a fine which is greater than \$40; if a multiple of 2 is used, it results in a fine of less than \$40.

Chief Justice Benjamin K. Miller, in the Supreme Court's Annual Report to the Legislature dated January 31, 1991, discussed the "plethora of user fees and surcharges enacted by the General Assembly," then concluded that "[t]he complexity of the structure of various charges is such that they are not uniform, and are confusing. It has been impossible for the court system to apply the charge in a consistent and coherent manner."

The Article V Committee agrees, and in order to enhance uniformity and consistency throughout the state in the disbursement of fines, costs, penalties and forfeitures under Rule 529, it recommends a percentage disbursement of funds upon pleas of guilty in traffic and conservation cases which are satisfied without a court appearance by the violator. The committee believes this disbursement, which would be made monthly to all entities, would be fair to all concerned, increase the efficiency of the clerks, and substantially reduce the possibility of error.

As an example of the continuing dilemma facing the circuit clerks, Public Act 93-32, effective June 20, 2003, directs that an "additional penalty of \$4.00 shall be assessed by the court imposing a fine (upon a plea or finding of guilty in all traffic, criminal, conservation and local ordinance cases)." The funds are to be remitted by the circuit clerk to the state Treasurer and deposited in the Traffic and Criminal Surcharge Fund. The committee concluded the additional penalty under this act could not be collected or distributed under Rules 529 and 556 since the total amount of bail was already exhausted by other fines, fees and costs and the act itself provides that the additional penalty "shall not reduce or affect the distribution of any other fine, costs, fees and penalties." The committee felt the only way to obtain the funds required under Public Act 93-32 would be: (1) order the offender to appear in court for the assessment of the \$4 additional penalty, or (2) increase the amount of bail under Rule 526. It considered the first option to be counterproductive. As to the second option, the committee noted Justice Heiple's dissent when bail was increased under Rule 526 in 1992. In his dissent, he stated, "[W]hile the original purpose of enacting and enforcing highway traffic laws was public safety, this purpose has, in substantial measure, given way to the purpose of earning bounty revenues of government. Any bail figure, to the extent it exceeds the amount necessary to insure the presence of the defendant in court, is a misuse and abuse of the bail process." The committee, after discussion, is not recommending the increase of bail under Rules 526 and 527.

The committee was also concerned about the 10 counties which distribute gross fines and costs pursuant to 705 ILCS 105/27.6, since this distribution would include money collected by

the circuit clerk as a result of forfeiture of bonds, ex parte judgments or guilty pleas pursuant to Rule 529. Public Act 93-32 directs the court to assess an additional penalty; section 27.6 provides that “(f) or offenses subject to this section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act.” The inconsistency between the two acts places the circuit clerks in a quandary, particularly in those counties operating under section 27.6.

The committee has recommended the circuit clerks be given a clear and definite direction concerning distribution of funds under this rule and believes the proposed amendment would provide that direction.

Amended Rule 552

Rule 552. Uniform Tickets—Processing

Uniform Citation and Complaint forms and conservation complaints shall be in forms which may, from time to time, be approved by the Conference of Chief Circuit Judges and filed with this court. The uniform forms shall be adapted for use by municipalities.

The arresting officer shall complete the form or ticket and, within 48 hours after the arrest, shall transmit the portions entitled “Complaint” and, where appropriate, “Disposition Report” and or, where appropriate, “Report of Conviction,” either in person, or by mail, or electronically where authorized by the Supreme Court, to the clerk of the circuit court of the county in which the violation occurred. Each Uniform Citation and Complaint form and conservation complaint shall upon receipt by the clerk be assigned a separate case number, chronologically, including multiple citations issued to the same accused for more than one offense arising out of the same occurrence (see Rule 503(a)). A final disposition ~~noted on the reverse side of the “Complaint”~~ shall be evidence of the judgment in the case. Upon final disposition of each case, the clerk shall execute a ~~the~~ “Disposition Report” and promptly forward it to the law enforcement agency that issued the ticket. On a plea or finding of guilty in any traffic case, the clerk shall also execute a ~~the~~ “Report of Conviction” ~~portion of the Uniform Citation and Complaint~~, if and as applicable, and such other reports as required by section 6-204 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-204) and promptly forward same to the Secretary of State. This rule does not prohibit the use of electronic or mechanical systems of record keeping, transmitting or reporting.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended September 30, 2002, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Amended Rule 553

Rule 553. Posting Bail or Bond

(a) By Whom and Where Taken. The several circuit clerks, deputy circuit clerks and law enforcement officers designated by name or office by the chief judge of the circuit are authorized

to let to bail any person arrested for or charged with an offense covered by Rules 526, 527 and 528. Upon designation by the chief judge of the circuit, bail may be taken in accordance with this article in any county, municipal or other building housing governmental units, police station, sheriff's office or jail, district headquarters building of the Illinois State Police, weigh station, or portable scale unit established for enforcement of truck violations under Rule 526(b)(1) or similar municipal ordinances. Bail deposits by credit card, debit card or by any other electronic means may only be accepted upon the approval of the chief judge and the circuit clerk's ability to accept such deposits. Individual bonds under paragraph (d) of this rule may additionally be taken as designated by the chief judge of the circuit.

(b) Copy of Bond-Receipt for Cash Bail. A ~~carbon~~ copy of the bond or an official receipt showing the amount of cash bail posted, specifying the time and place of court appearance, shall be furnished to the accused and shall constitute a receipt for bail. The bond or cash bail, or both, shall be delivered to, deposited with, or otherwise transmitted to the office of the circuit clerk of the county in which the violation occurred within 48 hours of receipt or within the time set for the accused's appearance in court, whichever is earlier (see Rule 501(b) for definition of "Cash Bail"). Each delivery, deposit, or transmission shall identify the Complaint(s) associated with the amounts delivered, deposited, or otherwise transmitted.

(c) Driver's License or Bond Certificate. If an accused deposits a driver's license with the arresting officer in lieu of bail or in addition to bail, or deposits a bond certificate, the arresting officer shall note that fact on the accused's copy of the ticket and transmit the driver's license or bond certificate to the clerk within the time provided in paragraph (b) of this rule.

(d) Individual Bond. Persons arrested for or charged with an offense covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules may be released by giving individual bond (in the amount required by this article) by those law enforcement officers designated by name or office by the chief judge of the circuit, except when the accused is (1) unable or unwilling to establish his identity or submit to being fingerprinted as required by law, (2) is charged with an offense punishable by imprisonment and will pose a danger to any person or the community, or (3) elects release on separate bail under Rule 503(a)(3) or 503(a)(4). Persons required to deposit both bail and driver's license under Rule 526(e) may be released on \$1,000 individual bond and their current Illinois driver's license. If authorized by the chief judge of the circuit, individual bonds under this paragraph (d) may be executed by signing the citation or complaint agreeing to comply with its conditions. Court-approved electronic signatures are allowed.

(e) Alternative Procedure in Minor Cases-Counties Other Than Cook. In any case, excluding citations written by local law enforcement in Cook County, in which the bail or bond specified by Rule 526, 527 or 528 does not exceed \$200 in United States currency, an accused not required to be fingerprinted may post bond by giving the United States currency to the sworn law enforcement officer. The officer shall provide the accused with a copy of the citation duly noted with the amount of the United States currency posted as bond. The accused shall then be released from custody. In such cases, the officer will deliver the appropriate portions(s) of the ticket along with the United States currency as bond(s) to the clerk of the circuit court or a designated building approved by the issuing law enforcement agency and approved by the receiving law enforcement agency before the end of his or her current tour of duty.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended October 17, 1979, effective November 15, 1979; amended December 22, 1981, effective January 15, 1982; amended June 26, 1987, effective August 1, 1987; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended December 7, 2011, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Amended Rule 555

Rule 555. Returning Bail or Documents

(a) Court Appearance. A defendant who personally appears in court on the date on which his case is finally disposed of shall, upon payment of any fines, penalties and costs which may be assessed against him upon a plea or finding of guilty, or as a condition of an order of supervision under section 5-6-3.1 of the Unified Code of Corrections, as amended (730 ILCS 5/5-6-3.1), recover unless otherwise provided by law his driver's license (unless revoked or suspended) or the bond certificate deposited by him. Cash bail, or any balance due the defendant, shall be refunded to the defendant by the clerk as soon as practicable after the disposition of the charges.

(b) Written Plea of Guilty. In any case that can be disposed of on a written plea of guilty without a court appearance under Rule 529, the defendant may submit his written plea of guilty and pay the prescribed fines, penalties and costs to the clerk of the circuit court of the county in which the violation occurred not earlier than 10 court days after arrest, and not later than 3 court days before the date set for appearance, unless the clerk waives these time limits. If cash bail was posted, the clerk shall apply the amount necessary to pay prescribed fines, penalties and costs. If a driver's license or bond certificate was deposited, the full amount of the prescribed fines, penalties and costs must be paid to the clerk. Upon receiving payment in full, the clerk shall unless otherwise provided by law return the driver's license or bond certificate to the defendant. A written plea of guilty may be mailed to the clerk of the circuit court of the county in which the violation occurred. A plea of guilty may be transmitted electronically, if authorized by the Supreme Court. If the plea is accompanied by the full amount of the prescribed fines, penalties and costs, the clerk shall mail to the defendant any driver's license or bond certificate deposited in lieu of bail.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended September 30, 2002, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.